

STATE OF NEW YORK

7445--A

2025-2026 Regular Sessions

IN SENATE

April 16, 2025

Introduced by Sens. FAHY, ADDABBO, ASHBY, CLEARE, HELMING, SALAZAR, SUTTON -- read twice and ordered printed, and when printed to be committed to the Committee on Education -- recommitted to the Committee on Education in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to seizure action plans for students diagnosed with a seizure disorder and requiring training on the signs and symptoms of a seizure and how to respond to such symptoms

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

1 Section 1. The education law is amended by adding a new section 916-c
2 to read as follows:

3 § 916-c. Seizure action plan. 1. As used in this section, the follow-
4 ing terms shall have the following meanings:

5 (a) "Seizure action plan" shall mean a document developed by the
6 health care provider of a student with a diagnosed seizure disorder and
7 other appropriate medical professionals who may be providing seizure
8 disorder care to the student which sets out the health services needed
9 by the student at school or a school function and shall be:

10 (i) kept on file in the office of the school nurse or school adminis-
11 trator;

12 (ii) distributed to any school employee responsible for the super-
13 vision or care of the student for which such plan was created and who
14 has received proper training;

15 (iii) provided to the board of education, board of trustees or the
16 governing board of such student's school district by the parents or
17 guardians of the student and contain a written authorization to adminis-
18 ter any medications listed in such plan pursuant to subdivision four of
19 this section; and

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

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(iv) resubmitted to the board of education, board of trustees, or the governing board of such student's school district if the student's seizure action plan is updated.

(b) "Student" shall mean a student with epilepsy or a seizure disorder who may be prescribed seizure rescue medication or medication to treat seizure disorder symptoms approved by the federal food and drug administration.

(c) "School" shall include public elementary and secondary schools or boards of cooperative educational services in the state.

(d) "School function" shall mean a school sponsored event or activity, including if such event or activity occurs outside of school property.

2. (a) The parent or guardian of a student who seeks seizure disorder care while at school or at a school function shall notify the school nurse or school administrator and provide a seizure action plan for the student consistent with the provisions of this section.

(b) The seizure action plan developed in accordance with paragraph (a) of this subdivision shall be updated as necessary if there is a change in the health status of the student.

3. The administration of a seizure rescue medication or prescribed electronic stimulation must be done by a school nurse or another appropriately trained professional in their absence.

4. Prior to the administering of a seizure rescue medication or medication to treat seizure disorder symptoms, the student's parent or guardian shall provide:

(a) the board of education, board of trustees or the governing board of such student's school district and the school which such student is enrolled in with a written authorization to administer the medication at school or a school function;

(b) written orders from the student's health care provider outlining the student's seizure disorder care including, but not limited to, the following information:

(i) the student's name;

(ii) the name and purpose of the prescribed medication;

(iii) the prescribed dosage for such medication;

(iv) the route of administration for such medication;

(v) the frequency such medication should be administered; and

(vi) the circumstances for which such medication may be administered;

and

(c) the prescribed medication in its unopened, sealed packaging with the label affixed by the dispensing pharmacy intact to the school which the student is enrolled.

5. The school nurse or school administrator shall obtain consent from the parent or guardian of a student to authorize the sharing of medical information between such student's physician or advanced practice nurse and other health care providers. Such nurse or school administrator shall also be authorized to share medical information with other employees of the school district as necessary.

6. A school district, board of cooperative educational services, and/or their agents or employees shall incur no legal or financial liability as a result of any harm or injury sustained by a pupil or other person caused by reasonable and good faith compliance with this section.

§ 2. The education law is amended by adding a new section 3039 to read as follows:

§ 3039. Seizure awareness training. 1. All public school districts and boards of cooperative educational services shall provide training to

1 their employees, including building principals, guidance counselors,
2 teachers and any other relevant officers or agents of a board of educa-
3 tion on the recognition of the signs and symptoms of a seizure and the
4 appropriate steps to be taken to respond to such symptoms. Such training
5 shall take place at least biennially, and shall:

6 (a) Include any training programs or guidelines adopted by any state
7 agency or non-profit organization that supports individuals with epilep-
8 sy and seizure disorders in the state for the training of school employ-
9 ees in the health care needs of students diagnosed with a seizure disor-
10 der.

11 (b) Be provided by a representative of a nationally recognized organ-
12 ization experienced in training laypersons on the signs and symptoms of
13 a seizure and the appropriate steps to be taken to respond to such symp-
14 toms. Such training shall be administered in-person, by a live or pre-
15 recorded online webinar, or online through the learning management
16 system of such nationally recognized organization.

17 2. (a) The commissioner shall, in consultation and collaboration with
18 a nationally recognized organization experienced in training laypersons
19 on the signs and symptoms of a seizure and the appropriate steps to be
20 taken to respond to such symptoms, establish and develop an awareness
21 program regarding seizures and seizure disorders that is consistent with
22 the guidelines published by such organization.

23 (b) The board, in consultation with the commissioner, may promulgate
24 rules and regulations, including procedures and content for the develop-
25 ment of the seizure awareness program, as they deem necessary and to
26 effectuate the provisions of this section.

27 § 3. The education law is amended by adding a new section 916-d to
28 read as follows:

29 § 916-d. Training for administering seizure medication in emergency
30 situations. 1. The board of education or trustees of each public school
31 district and board of cooperative educational services shall ensure that
32 at least one school employee in each school building is trained and
33 available to administer either prescribed seizure rescue medication or a
34 manual dose of prescribed electronic stimulation, as defined in para-
35 graphs (a) and (b) of this subdivision, in emergency situations to
36 pupils who have the written permission of a physician or other duly
37 authorized health care provider for the administration of emergency
38 medication, as provided for in a student's seizure action plan, during
39 the school day at a school or school function. Training must be
40 provided by a physician or other duly authorized licensed health care
41 professional in a competent manner, and must be completed in a form and
42 manner prescribed by the commissioner in regulation.

43 (a) For the purposes of this subdivision, a "seizure rescue medica-
44 tion" shall mean a medication to treat seizure disorder symptoms as
45 approved by the federal food and drug administration for use outside of
46 a hospital.

47 (b) For the purposes of this subdivision, a "prescribed electronic
48 stimulation" shall mean use of a vagus nerve stimulator magnet approved
49 by the federal food and drug administration for responding to seizure
50 disorder symptoms.

51 § 4. This act shall take effect on the one hundred eightieth day after
52 it shall have become a law. Effective immediately, the addition, amend-
53 ment and/or repeal of any rule or regulation necessary for the implemen-
54 tation of this act on its effective date are authorized to be made and
55 completed on or before such effective date.