



SPONSOR: Sen. Hoffner & Sen. Poore & Rep. Wilson-Anton & Rep. Neal
Sens. Lawson, Townsend; Reps. Baumbach, Bolden, K. Johnson, Lambert, Morrison, Ramone, Shupe, Michael Smith

DELAWARE STATE SENATE
152nd GENERAL ASSEMBLY

SENATE BILL NO. 24

AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO THE SEIZURE SAFE SCHOOLS ACT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend Part V, Title 14 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 Chapter 84. Seizure Safe Schools Act

4 § 8401. Short title.

5 This chapter shall be known as the “Seizure Safe Schools Act.”

6 § 8402. Definitions.

7 For purposes of this chapter:

8 (1) “Parent” means a natural parent, an adoptive parent, any person legally charged with the care or custody of
9 a student under 18 years of age, or any person who has assumed responsibility for the care of a student under 18 years
10 of age, including any person acting as a caregiver pursuant to the provisions of § 202(f) of this title.

11 (2) “School” means a public school, charter school, vocational school, or private school providing educational
12 instruction in one or more grades from kindergarten through grade 12.

13 (3) “Seizure action plan” means a written, individualized health plan designed to acknowledge and prepare for
14 the health care needs of a student diagnosed with a seizure disorder.

15 § 8403. Employee training.

16 (a) Each school with a student diagnosed with a seizure disorder shall have at least 2 employees who have met the
17 training requirements necessary to administer or assist with the self-administration of any medication or treatment
18 prescribed to treat a student with a seizure disorder. The training must include all of the following:

19 (1) Instruction in the administration of a seizure rescue medication prescribed to treat seizure disorder
20 symptoms as approved by the United States Food and Drug Administration.

21 (2) Instruction in the administration of a manual dose of prescribed electrical stimulation using a Vagus Nerve
22 Stimulator (VNS) magnet as approved by the United States Food and Drug Administration.

23 (3) Recognition of the signs and symptoms of seizures and the appropriate steps to be taken to respond to a
24 student suffering from a seizure.

25 (b) A school nurse may serve as 1 of the 2 trained school employees required under subsection (a) of this section.
26 A school nurse who is employed full-time by a school and is responsible for the administration of seizure medication and
27 treatment is not required to meet the training requirements under subsection (a) of this section.

28 (c) The Department of Education shall regulate and approve the training required by this section.

29 § 8404. School-wide training.

30 (a) At least every 2 years every school shall provide training on the recognition of the signs and symptoms of
31 seizures and how to administer first aid to a student suffering from a seizure to principals, guidance counselors, teachers,
32 bus drivers, classroom aids, and other relevant school personnel with direct contact and supervision of students.

33 (b) Every school shall provide age-appropriate seizure education programs to all students on seizure disorders.

34 (c) The Department of Education shall approve all training and educational programs required by this section. The
35 training and educational programs may be provided online or in-person and must be provided free of charge.

36 § 8405. Seizure action plan.

37 (a) A parent of a student diagnosed with a seizure disorder shall collaborate with school personnel to create a
38 seizure action plan. The seizure action plan must be distributed to school personnel or volunteers responsible for the
39 supervision and care of the student. The plan must be kept on file in the office of the school nurse or a school administrator.

40 (b) As part of the creation of a student's seizure action plan, the student's parent shall do all of the following:

41 (1) Provide the school with a written authorization to administer seizure rescue medication or treatment at
42 school.

43 (2) Provide the prescribed medication to the school in its unopened, sealed package with the label affixed by
44 the dispensing pharmacy intact.

45 (3) Provide a written statement from the student's health care provider with all of the following information:

46 a. The student's name.

47 b. The name and purpose of the medication or treatment.

48 c. The prescribed dosage of medication or treatment.

49 d. The route of administration of the medication or treatment.

50 e. The frequency that the medication or treatment may be administered.

51 f. The circumstances under which the medication or treatment may be administered.

52 (c) The seizure action plan and permission for the administration of any medications or treatment under the seizure
53 action plan is effective for 1 school year.

54 (d)(1) If a student at a school requires services and accommodations beyond that prescribed by a seizure action
55 plan under this section, the school shall refer the student to the appropriate administrator at the local educational agency to
56 be assessed for services and accommodations guaranteed under § 504 of the Rehabilitation Act, 29 U.S.C. § 794, the
57 Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et seq, and Chapter 31 of this title.

58 (2) If the assessment under paragraph (d)(1) of this section indicates the student qualifies for services, a public
59 school, charter school, or vocational school must create a seizure action plan in addition to a § 504 plan or
60 individualized education program.

61 § 8406. Training programs; regulations.

62 (a) The Department of Education shall adopt training programs or guidelines for the training of school personnel
63 required under § 8403 of this title. Training programs and requirements adopted by the Department of Education must be
64 consistent with training programs and guidelines developed by the Epilepsy Foundation of Delaware, or similar nonprofit,
65 in the health care needs of students diagnosed with seizure disorders.

66 (b) The Department of Education shall approve training and educational programs required under § 8404 of this
67 title that are consistent with training and educational programs developed by the Epilepsy Foundation of Delaware, or
68 similar nonprofit.

69 (c) The Department of Education shall adopt rules and regulations establishing procedures for the development
70 and content of seizure action plans and any other rules and regulations necessary to implement this chapter.

71 § 8407. Liability.

72 A person that provides assistance or services under this chapter to a student suffering from a seizure is not liable in
73 a civil or criminal action for providing the emergency medication or treatment, unless the person's acts or omissions are
74 wilful or grossly negligent.

75 Section 2. This Act is effective immediately and is to be implemented the earlier of the following:

76 (1) One year from the date of the Act's enactment.

77 (2) Notice by the Secretary of the Department of Education published in the Register of Regulations that final
78 regulations to implement this Act have been adopted.

SYNOPSIS

This Act requires all schools with a student diagnosed with a seizure disorder to train at least 2 employees in the administration of rescue medication or treatment prescribed to treat a student with a seizure disorder. Training includes the

administration of a manual dose of prescribed electrical stimulation using a Vagus Nerve Stimulator magnet. A school nurse employed full-time by a school is not required to meet these training requirements but may serve as 1 of the 2 required employees that are trained in the administration of seizure rescue medications.

This Act requires all school employees, bus drivers, and other relevant school personnel, with direct contact and supervision of students to be trained every 2 years in administering first aid to a student suffering from a seizure. Age-appropriate training shall also be provided to all students.

A parent of a student diagnosed with a seizure disorder shall collaborate with the school to create a seizure action plan. The seizure action plan shall include written authorization to administer seizure rescue medication or treatment and specific instructions for administering medication and treatment from the student's health care provider. The seizure action plan shall be effective for 1 school year. The seizure action plan shall be in addition to a § 504 plan or individualized education program if such a plan or program is required.

The Department of Education shall adopt required training programs for staff administering seizure medication or treatment that are consistent with training programs and guidelines developed by the Epilepsy Foundation of Delaware or a similar nonprofit. Education programs for school staff and students shall also be consistent with training programs developed by the Epilepsy Foundation of Delaware or similar nonprofit. The Department of Education shall promulgate regulations for the development and content of a seizure action plan and other rules necessary to implement this chapter.

Any person that provides assistance under this chapter to a student suffering from a seizure is not liable in any criminal or civil action, unless such acts or omissions are wilful or grossly negligent.

This Act is effective immediately and is to be implemented 1 year from the date of the Act's enactment, or by notice of the Secretary of the Department of Education that final regulations have been published in the Register of Regulations, whichever is earlier.

Author: Senator Hoffner