

1 ENGROSSED SENATE
2 BILL NO. 128

By: Rader and Hicks of the
Senate

3 and

4 Lowe (Dick) of the House

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7 An Act relating to schools; creating the Seizure-Safe
8 Schools Act; providing short title; defining term;
9 requiring certain school employee to have certain
10 training by certain date; requiring school seizure
11 training programs and guidelines to meet certain
12 criteria; requiring written parent authorization,
13 written statement and certain action plan prior to
14 administering certain medication; requiring school to
15 maintain certain records; providing applicability of
16 act; authorizing promulgation of rules; providing
17 exemption from certain disciplinary proceeding;
18 providing for immunity from certain liability;
19 providing for codification; and declaring an
20 emergency.

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23 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 1210.183 of Title 70, unless
there is created a duplication in numbering, reads as follows:

A. This act shall be known and may be cited as the "Seizure-
Safe Schools Act".

B. As used in the Seizure-Safe Schools Act, "seizure action
plan" means a written, individualized health plan designed to

1 acknowledge and prepare for the health care needs of a student
2 diagnosed with a seizure disorder.

3 C. Beginning January 1, 2022, each school district board of
4 education shall have at least one school employee at each school who
5 has met the training requirements necessary to:

6 1. Administer or assist with the self-administration of a
7 seizure rescue medication or medication prescribed to treat seizure
8 disorder symptoms as approved by the United States Food and Drug
9 Administration and any successor agency; and

10 2. Recognize the signs and symptoms of seizures and the
11 appropriate steps to be taken to respond to these symptoms.

12 D. Any training programs or guidelines adopted by any state
13 agency for the training of school personnel in the health care needs
14 of any student diagnosed with a seizure disorder shall be fully
15 consistent with training programs and guidelines developed by the
16 Epilepsy Foundation of America and any successor organization.
17 Notwithstanding any state agency requirement or other law to the
18 contrary, for the purposes of this training a school district shall
19 be permitted to use any adequate and appropriate training programs
20 or guidelines for training of school personnel in the seizure
21 disorder care tasks covered under this section.

22 E. Before a seizure rescue medication can be administered to a
23 student to treat seizure disorder symptoms, the student's parent or
24 legal guardian shall:

1 1. Provide the school with written authorization to administer
2 the medication at school;

3 2. Provide a written statement from the student's health care
4 provider that shall contain the following information:

- 5 a. the student's name,
- 6 b. the name and purpose of the medication,
- 7 c. the prescribed dosage,
- 8 d. the route of administration,
- 9 e. the frequency that the medication may be administered,
10 and
- 11 f. the circumstances under which the medication may be
12 administered;

13 3. Provide the prescribed medication to the school in its
14 unopened, sealed package with the label affixed by the dispensing
15 pharmacy intact; and

16 4. Collaborate with school personnel to create a seizure action
17 plan.

18 F. The written authorization, written statement and seizure
19 action plan required in subsection E of this section shall be kept
20 on file in the office of the school nurse or school administrator
21 and shall be distributed to any school personnel or volunteers
22 responsible for the supervision or care of the student.

23 G. The written authorization for the administration of seizure
24 rescue medications provided for in subsection E of this section

1 shall be effective for the school year in which it is granted and
2 may be renewed each following school year upon fulfilling the
3 requirements of subsections E and F of this section.

4 H. The Seizure-Safe Schools Act shall apply only to a school
5 that has a student enrolled who has a seizure disorder and has a
6 seizure rescue medication or other medication prescribed to treat
7 seizure disorder symptoms approved by the United States Food and
8 Drug Administration and any successor agency prescribed by the
9 student's health care provider.

10 I. The State Board of Education may promulgate administrative
11 rules for the development and implementation of the seizure
12 education program and the procedures for the development and content
13 of seizure action plans.

14 J. 1. A school employee may not be subject to any disciplinary
15 proceeding resulting from an action taken in compliance with the
16 Seizure-Safe Schools Act. Any employee acting in accordance with
17 the provisions of this act shall be immune from civil liability
18 unless the actions of the employee rise to a level of reckless or
19 intentional misconduct.

20 2. A school nurse shall not be responsible for and shall not be
21 subject to disciplinary action for actions performed by a volunteer.

22 SECTION 2. It being immediately necessary for the preservation
23 of the public peace, health or safety, an emergency is hereby
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1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.

3 Passed the Senate the 3rd day of March, 2021.

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Presiding Officer of the Senate

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7 Passed the House of Representatives the ____ day of _____,
8 2021.

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Presiding Officer of the House
of Representatives

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