

An Act

ENROLLED SENATE
BILL NO. 128

By: Rader and Hicks of the
Senate

and

Lowe (Dick) of the House

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

SUBJECT: Creating the Seizure-Safe Schools Act

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

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

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

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

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

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

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

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

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

- a. the student's name,

- b. the name and purpose of the medication,

- c. the prescribed dosage,
- d. the route of administration,
- e. the frequency that the medication may be administered,
and
- f. the circumstances under which the medication may be
administered;

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

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

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

G. The written authorization for the administration of seizure rescue medications provided for in subsection E of this section shall be effective for the school year in which it is granted and may be renewed each following school year upon fulfilling the requirements of subsections E and F of this section.

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

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

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

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

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

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

Presiding Officer of the Senate

Passed the House of Representatives the 20th day of April, 2021.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____