



Home	Bill Information	California Law	Publications	Other Resources	My Subscriptions	My Favorites
------	------------------	----------------	--------------	-----------------	------------------	--------------

**AB-1810 Pupil health: seizure disorders.** (2021-2022)

SHARE THIS:  

Date Published: 10/03/2022 02:00 PM

**Assembly Bill No. 1810**

**CHAPTER 906**

An act to add Article 4.6 (commencing with Section 49468) to Chapter 9 of Part 27 of Division 4 of Title 2 of the Education Code, relating to pupil health.

[ Approved by Governor September 30, 2022. Filed with Secretary of State September 30, 2022. ]

**LEGISLATIVE COUNSEL'S DIGEST**

AB 1810, Levine. Pupil health: seizure disorders.

Existing law requires the governing board of any school district to give diligent care to the health and physical development of pupils and authorizes the governing board of a school district to employ properly certified persons for the work. Existing law authorizes school districts, county offices of education, and charter schools to provide emergency naloxone hydrochloride or another opioid antagonist to school nurses or trained personnel who have volunteered, and authorizes school nurses or trained personnel to use naloxone hydrochloride or another opioid antagonist to provide emergency medical aid to persons suffering, or reasonably believed to be suffering, from an opioid overdose, as provided. Existing law authorizes any pupil who is required to take, during the regular schoolday, medication to be assisted by the school nurse or other designated school personnel, as provided.

This bill would, if a pupil diagnosed with seizures, a seizure disorder, or epilepsy has been prescribed an emergency anti-seizure medication by the pupil's health care provider, authorize the pupil's local educational agency, upon receipt of a request from the pupil's parent or guardian, to designate one or more volunteers at the pupil's school to receive initial and annual refresher training regarding the emergency use of anti-seizure medication. The bill would require the Superintendent of Public Instruction to establish minimum standards of training for the administration of emergency anti-seizure medication, as provided. The bill would authorize a school nurse or, if the school does not have a school nurse or the school nurse is not onsite or available, a volunteer who has been designated and received training regarding the emergency use of anti-seizure medication, to administer emergency anti-seizure medication to a pupil diagnosed with seizures, a seizure disorder, or epilepsy if the pupil is suffering from a seizure. The bill would require any local educational agency or school upon receipt of a parent or guardian's request to distribute a related notice at least once per school year to all staff. Before administering emergency anti-seizure medication or therapy prescribed to treat seizures in a pupil diagnosed with seizures, a seizure disorder, or epilepsy, the bill would require a local educational agency to obtain from the pupil's parent or guardian a seizure action plan that includes specified information. By imposing new duties on school districts, county offices of education, and charter schools, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

## THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

**SECTION 1.** Article 4.6 (commencing with Section 49468) is added to Chapter 9 of Part 27 of Division 4 of Title 2 of the Education Code, to read:

### **Article 4.6. The Seizure Safe Schools Act**

**49468.** This article shall be known, and may be cited, as the Seizure Safe Schools Act.

**49468.1.** For purposes of this article, the following definitions apply:

(a) "Authorizing physician and surgeon" may include, but is not limited to, a physician and surgeon employed by, or contracted with, a local educational agency, a medical director of the local health department, or a local emergency medical services director.

(b) "Local educational agency" means a school district, county office of education, or charter school.

(c) "School" means a public school maintained by a school district or county office of education, or a charter school.

(d) "Seizure action plan" means a written, individualized health plan designed to acknowledge and prepare for the health care needs of a pupil diagnosed with seizures, a seizure disorder, or epilepsy.

(e) "Volunteer" means an employee who (1) has volunteered to administer emergency anti-seizure medication to a pupil diagnosed with seizures, a seizure disorder, or epilepsy if the pupil is suffering from a seizure, (2) has been designated by a school or local educational agency, and (3) has received training pursuant to subdivision (c) of Section 49468.2.

**49468.2.** (a) (1) If a pupil diagnosed with seizures, a seizure disorder, or epilepsy has been prescribed an emergency anti-seizure medication by the pupil's health care provider, the pupil's local educational agency, upon receipt of a request from the pupil's parent or guardian, may designate one or more volunteers at the pupil's school to receive initial and annual refresher training, based on the standards developed pursuant to subdivision (c), regarding the emergency use of anti-seizure medication from the school nurse or other qualified person designated by an authorizing physician and surgeon. There shall be no retaliation against any individual who chooses not to volunteer or who rescinds the individual's offer to volunteer, including after receiving training.

(2) An employee who volunteers pursuant to this article may rescind their offer to administer emergency anti-seizure medication at any time, including after receipt of training.

(b) A school nurse or, if the school does not have a school nurse or the school nurse is not onsite or available, a volunteer who is designated pursuant to paragraph (1) of subdivision (a) and who has received training as described in that paragraph, may administer emergency anti-seizure medication in accordance with this article to a pupil diagnosed with seizures, a seizure disorder, or epilepsy if the pupil is suffering from a seizure.

(c) (1) The Superintendent shall, on or before July 1, 2023, establish minimum standards of training to recognize and respond to seizures, including training for the administration of emergency anti-seizure medication that satisfies the requirements of paragraph (2). Every five years, or sooner as deemed necessary by the Superintendent, the Superintendent shall review the minimum standards of training for the administration of emergency anti-seizure medication that satisfy the requirements of paragraph (2). For purposes of this subdivision, the Superintendent shall consult with organizations and providers with expertise in epilepsy and administering emergency anti-seizure medication and administering medication in a school environment, including, but not limited to, the Epilepsy Foundation, Epilepsy Foundations in California, the California School Nurses Organization, the California Medical Association, and the American Academy of Pediatrics.

(2) Training established pursuant to this subdivision shall include all of the following:

(A) Recognition of the signs and symptoms of seizures and the appropriate steps to be taken to respond to those symptoms.

(B) Administration, or assisting with the self-administration of, an emergency anti-seizure medication, or a medication or therapy prescribed to treat the symptoms of seizures, seizure disorders, or epilepsy, including manual vagus nerve stimulation, approved by the United States Food and Drug Administration, or any successor agency.

(C) Basic emergency followup procedures.

(D) Written materials covering the information required under this subdivision.

(3) Training established pursuant to this subdivision shall be consistent with the most recent guidelines for medication administration issued by the department.

(4) A school shall retain for reference the written materials prepared under subparagraph (D) of paragraph (2).

(5) The department shall include on its internet website a clearinghouse for best practices in training nonmedical personnel to administer emergency anti-seizure medication.

(6) Training established pursuant to this subdivision shall be provided to the volunteer at no cost to the volunteer and during the volunteer's regular working hours.

(d) (1) Except as provided in paragraph (2), any local educational agency or school, upon receipt of a parent or guardian's request pursuant to subdivision (a), shall distribute a notice at least once but no more than two times per school year to all staff that includes all of the following information:

(A) A description of the volunteer request stating that the request is for volunteers to be trained to recognize and respond to seizures, including training to administer emergency anti-seizure medication to a pupil diagnosed with seizures, a seizure disorder, or epilepsy if the pupil is suffering from a seizure.

(B) A description of the training that the volunteer will receive pursuant to subdivision (c).

(C) The right of an employee to rescind their offer to volunteer pursuant to this article.

(D) A statement that there will be no retaliation against any individual for rescinding the individual's offer to volunteer, including after receiving training.

(2) Notwithstanding paragraph (1), if a volunteer rescinds the volunteer's offer to volunteer or is no longer able to act as a volunteer for any reason, or if the placement of a pupil changes and the pupil no longer has access to a trained volunteer, an additional two notices per school year may be distributed to all staff.

(e) Pursuant to Section 504 of the federal Rehabilitation Act of 1973, as amended, (29 U.S.C. Sec. 794), and the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.), upon receipt of the parent's or guardian's request pursuant to subdivision (a), the local educational agency shall notify the parent or guardian that the parent or guardian's child may qualify for services or accommodations pursuant to Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794) or an individualized education program and shall assist the parent or guardian with the exploration of that option.

(f) The local educational agency may ask the parent or guardian to sign a notice verifying that the parent or guardian was given information about Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794) and the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.), and that the parent or guardian understands that it is the parent or guardian's right to request a plan pursuant to Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794) or an individualized education program at any time.

(g) If there are no volunteers at the pupil's school pursuant to subdivision (a) the local educational agency shall notify the pupil's parent or guardian of the pupil's right to be assessed for services and accommodations guaranteed under Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794) and the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.).

(h) This section shall not be construed to preclude the negotiation by collective bargaining of additional compensation for volunteers.

**49468.3.** (a) Before administering emergency anti-seizure medication or therapy prescribed to treat seizures in a pupil diagnosed with seizures, a seizure disorder, or epilepsy, a local educational agency shall obtain from the pupil's parent or guardian a seizure action plan that includes all of the following:

(1) (A) Authorization, in writing, for the medication to be administered to the pupil at school.

(B) Authorization pursuant to subparagraph (A) shall be effective for the school year in which it is granted, and shall be renewed each school year, unless needed sooner.

(2) A copy of a statement, in writing, from the pupil's health care provider that includes all of the following information:

(A) The pupil's name.

(B) The name and purpose of the medication.

(C) The prescribed dosage.

(D) The method of administration.

(E) The frequency with which the medication may be administered.

(F) Detailed seizure symptoms, including frequency, type, or length of seizures that identify when the administration of an emergency anti-seizure medication becomes necessary.

(G) The circumstances under which the medication may be administered.

(H) Any potential adverse responses by the pupil and recommended mitigation actions, including when to call emergency services, including the emergency 911 telephone number.

(I) A protocol for observing the pupil after a seizure, including, but not limited to, whether the pupil should rest in the school office, whether the pupil may return to class, and the length of time the pupil should be under direct observation.

(3) How and where the emergency anti-seizure medication will be stored at the school.

(4) A signed notice verifying that the parent or guardian was given information about Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794) and the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.), pursuant to subdivision (e) of Section 49468.2, and that the parent or guardian understands that it is the parent or guardian's right to request a plan pursuant to Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794) or an individualized education program at any time.

(5) A signed notice verifying that a pupil's seizure may be responded to, including with the administration of emergency anti-seizure medication prescribed to the pupil, by a nonmedical professional who has received training pursuant to subdivision (c) of Section 49468.2.

(b) The school administrator or the school administrator's designee shall notify the school nurse assigned to the school or local educational agency if an employee at the schoolsite administers an emergency anti-seizure medication pursuant to this article. If a school nurse is not assigned to the local educational agency, the school administrator or the school administrator's designee shall notify the superintendent of the school district or the superintendent of the school district's designee, the county superintendent of schools or the county superintendent of schools' designee, or the charter school administrator or the charter school administrator's designee, as appropriate, if an employee at the school administers an emergency anti-seizure medication pursuant to this article.

(c) (1) The school nurse assigned to the school or a nurse from the local educational agency shall collaborate with the parent or guardian of each pupil diagnosed with seizures, a seizure disorder, or epilepsy to create a seizure action plan pursuant to subdivision (a), if the pupil does not have an individualized education plan pursuant to the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.), or a plan pursuant to Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794).

(2) If the school obtains written consent from a pupil's parent or guardian, in accordance with Section 99.30 of Title 34 of the Code of Federal Regulations, the seizure action plan shall be distributed to any school personnel or volunteers responsible for the supervision or care of that pupil.

(d) The notification required pursuant to subdivision (b) and the seizure action plan created pursuant to subdivision (a) shall be kept on file in the office of the school nurse or a school administrator, in compliance with all applicable state and federal privacy laws.

**49468.4.** Emergency anti-seizure medication or medication prescribed to a pupil to treat the pupil's seizures, a seizure disorder, or epilepsy symptoms shall be provided to the school with the label affixed by the dispensing pharmacy intact.

**49468.5.** (a) Any local educational agency that designates volunteers pursuant to subdivision (a) of Section 49468.2 shall ensure that each employee who volunteers under this article will be provided defense and indemnification by the local educational agency for any and all civil liability, in accordance with, but not limited to, that provided in Division 3.6 (commencing with Section 810) of Title 1 of the Government Code. This information shall be reduced to writing, provided to the volunteer, and retained in the volunteer's personnel file.

(b) (1) Notwithstanding any other law, except as provided in paragraph (2), a person trained as required under subdivision (c) of Section 49468.2 who administers emergency anti-seizure medication or medication prescribed for seizure disorder symptoms in compliance with this article, in good faith and not for compensation, to a pupil diagnosed with seizures, a seizure disorder, or

epilepsy who appears to be experiencing a seizure shall not be subject to professional review, be liable in a civil action, or be subject to criminal prosecution for the person's acts or omissions in administering the emergency anti-seizure medication.

(2) The protection specified in paragraph (1) shall not affect any of the following:

(A) A person's liability for an act or omission that constitutes gross negligence or willful or wanton misconduct.

(B) A person's culpability for an act that constitutes a crime and is not specifically authorized by this article.

(C) The ability of a licensing board to take disciplinary action against a licensed health care professional for an act not specifically authorized by this article.

(3) Any public employee who volunteers to administer emergency anti-seizure medication pursuant to subdivision (b) of Section 49468.2 is not providing emergency medical care for compensation, notwithstanding the fact that the employee is a paid public employee.

**SEC. 2.** If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.