

REFERENCE TITLE: schools; seizure management; treatment plans

State of Arizona
Senate
Fifty-fourth Legislature
Second Regular Session
2020

SB 1146

Introduced by
Senator Kerr: Representatives Dunn, Osborne

AN ACT

AMENDING TITLE 15, CHAPTER 1, ARTICLE 5, ARIZONA REVISED STATUTES, BY
ADDING SECTION 15-160; RELATING TO SCHOOL SAFETY REQUIREMENTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 15, chapter 1, article 5, Arizona Revised
3 Statutes, is amended by adding section 15-160, to read:

4 15-160. Seizure management and treatment plans; requirements;
5 immunity; online instruction; rules

6 A. BEGINNING IN THE 2020-2021 SCHOOL YEAR, THE PARENT OR GUARDIAN
7 OF A PUPIL WHO HAS A SEIZURE DISORDER AND WHO IS ENROLLED IN A SCHOOL THAT
8 IS OPERATED BY A SCHOOL DISTRICT OR A CHARTER SCHOOL IN THIS STATE MAY
9 SEEK CARE FOR THE PUPIL'S SEIZURES WHILE THE PUPIL IS AT SCHOOL OR
10 PARTICIPATING IN A SCHOOL-SPONSORED ACTIVITY. THE PARENT OR GUARDIAN
11 SHALL SUBMIT TO THE SCHOOL DISTRICT OR CHARTER SCHOOL IN WHICH THE PUPIL
12 IS ENROLLED A COPY OF A SEIZURE MANAGEMENT AND TREATMENT PLAN DEVELOPED BY
13 THE PUPIL'S PARENT OR GUARDIAN AND THE PHYSICIAN RESPONSIBLE FOR THE
14 PUPIL'S SEIZURE TREATMENT. THE PLAN MUST BE SUBMITTED TO AND REVIEWED BY
15 THE SCHOOL DISTRICT OR CHARTER SCHOOL:

16 1. BEFORE OR AT THE BEGINNING OF THE SCHOOL YEAR.

17 2. IF THE PUPIL ENROLLS IN THE SCHOOL DISTRICT OR CHARTER SCHOOL
18 AFTER THE BEGINNING OF THE SCHOOL YEAR, WHEN THE PUPIL ENROLLS.

19 3. AS SOON AS PRACTICABLE FOLLOWING A DIAGNOSIS OF THE PUPIL'S
20 SEIZURE DISORDER.

21 B. A SEIZURE MANAGEMENT AND TREATMENT PLAN MUST MEET ALL OF THE
22 FOLLOWING REQUIREMENTS:

23 1. IDENTIFY THE HEALTH CARE SERVICES THE PUPIL MAY RECEIVE AT
24 SCHOOL OR WHILE PARTICIPATING IN A SCHOOL-SPONSORED ACTIVITY.

25 2. EVALUATE THE PUPIL'S LEVEL OF UNDERSTANDING OF AND ABILITY TO
26 MANAGE THE PUPIL'S SEIZURES.

27 3. BE SIGNED BY THE PUPIL'S PARENT OR GUARDIAN AND THE PHYSICIAN
28 RESPONSIBLE FOR THE PUPIL'S SEIZURE TREATMENT.

29 C. SCHOOL DISTRICTS, CHARTER SCHOOLS, EMPLOYEES OF SCHOOL DISTRICTS
30 OR CHARTER SCHOOLS AND NURSES WHO ARE UNDER CONTRACT WITH A SCHOOL
31 DISTRICT OR CHARTER SCHOOL ARE IMMUNE FROM CIVIL LIABILITY WITH RESPECT TO
32 ALL DECISIONS MADE AND ACTIONS TAKEN THAT ARE BASED ON GOOD FAITH
33 IMPLEMENTATION OF A SEIZURE MANAGEMENT AND TREATMENT PLAN SUBMITTED
34 PURSUANT TO THIS SECTION, INCLUDING AN ACTION OR FAILURE TO ACT IN
35 ADMINISTERING A MEDICATION, ASSISTING WITH SELF-ADMINISTRATION OR
36 OTHERWISE PROVIDING FOR THE CARE OF A PUPIL UNDER A SEIZURE MANAGEMENT AND
37 TREATMENT PLAN SUBMITTED FOR THE PUPIL UNDER THIS SECTION, EXCEPT IN CASES
38 OF GROSS NEGLIGENCE, WILFUL MISCONDUCT OR INTENTIONAL WRONGDOING.

39 D. A SCHOOL NURSE WHO IS EMPLOYED BY OR UNDER CONTRACT WITH A
40 SCHOOL DISTRICT OR CHARTER SCHOOL MUST COMPLETE AN ONLINE COURSE OF
41 INSTRUCTION FOR SCHOOL NURSES REGARDING MANAGING PUPILS WITH SEIZURE
42 DISORDERS. THE COURSE MUST BE APPROVED BY THE STATE BOARD OF EDUCATION
43 AND INCLUDE INFORMATION ABOUT SEIZURE RECOGNITION AND RELATED FIRST AID.

1 E. A SCHOOL DISTRICT OR CHARTER SCHOOL EMPLOYEE, OTHER THAN A
2 SCHOOL NURSE, WHOSE DUTIES AT THE SCHOOL INCLUDE REGULAR CONTACT WITH
3 PUPILS MUST COMPLETE AN ONLINE COURSE OF INSTRUCTION FOR SCHOOL PERSONNEL
4 REGARDING AWARENESS OF PUPILS WITH SEIZURE DISORDERS. THE COURSE MUST BE
5 APPROVED BY THE STATE BOARD OF EDUCATION AND INCLUDE INFORMATION ABOUT
6 SEIZURE RECOGNITION AND RELATED FIRST AID.

7 F. NOT LATER THAN DECEMBER 1, 2020, THE STATE BOARD OF EDUCATION
8 SHALL APPROVE AN ONLINE COURSE OF INSTRUCTION THAT IS PROVIDED FREE OF
9 CHARGE BY A NONPROFIT NATIONAL FOUNDATION AND THAT SUPPORTS THE WELFARE OF
10 INDIVIDUALS WITH EPILEPSY AND SEIZURE DISORDERS TO SATISFY THE TRAINING
11 REQUIRED BY SUBSECTIONS D AND E OF THIS SECTION.

12 G. THE STATE BOARD OF EDUCATION SHALL ADOPT RULES AS NECESSARY TO
13 ADMINISTER THIS SECTION.