

Chapter 78

(Senate Bill 299)

AN ACT concerning

**Education – Public and Nonpublic Schools – Seizure Action Plans
(Brynleigh’s Act)**

FOR the purpose of requiring a county board of education and authorizing a nonpublic school, beginning in a certain school year, to require a certain number of school personnel at the school to be trained in certain seizure recognition and response methods; requiring a public school, beginning in a certain school year, to ~~provide online or in-person training~~ require certain school personnel to make a certain presentation with a certain frequency to school personnel with direct contact and supervision of students ~~on certain seizure recognition and response methods~~; requiring the State Department of Education and the Maryland Department of Health, in consultation with a certain entity and stakeholders, to develop guidelines and a training program for certain school personnel ~~on the health care needs of a student diagnosed with a seizure disorder~~; requiring the parent or guardian of a student diagnosed with a seizure disorder to collaborate with school personnel to create a seizure action plan and provide the school with certain information; requiring the State Department of Education, in collaboration with the Maryland Department of Health, to ensure health guidelines include certain information on seizures; and generally relating to responding to seizure symptoms and emergencies in schools in the State.

BY adding to

Article – Education

Section 7–450

Annotated Code of Maryland

(2018 Replacement Volume and 2021 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Education**7–450.**

(A) IN THIS SECTION, “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.

(B) (1) BEGINNING IN THE 2023–2024 SCHOOL YEAR, A COUNTY BOARD SHALL REQUIRE AT LEAST TWO SCHOOL PERSONNEL AT EACH PUBLIC SCHOOL ~~TO~~

~~BE TRAINED~~, SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, TO COMPLETE A PAID PROFESSIONAL DEVELOPMENT TRAINING, ADMINISTERED ONLINE OR IN-PERSON, IN:

(I) RECOGNIZING THE SIGNS AND SYMPTOMS OF A SEIZURE;

(II) APPROPRIATE STEPS FOR ADMINISTERING FIRST AID FOR A SEIZURE; AND

(III) ~~SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, ADMINISTERING~~ ADMINISTERING IF WRITTEN AUTHORIZATION IS GIVEN BY A PARENT OR GUARDIAN UNDER SUBSECTION (G) OF THIS SECTION, ADMINISTERING OR ASSISTING WITH THE SELF-ADMINISTRATION OF A SEIZURE RESCUE MEDICATION, MEDICATION PRESCRIBED TO TREAT SEIZURE DISORDER SYMPTOMS APPROVED BY THE U.S. FOOD AND DRUG ADMINISTRATION, AND MANUAL VAGUS NERVE STIMULATION.

~~(2) SCHOOL PERSONNEL MUST BE APPROVED BY THE SCHOOL NURSE BEFORE THE PERSONNEL ARE AUTHORIZED TO ADMINISTER OR ASSIST WITH SELF-ADMINISTRATION OF A SEIZURE RESCUE MEDICATION.~~

~~(3)~~ (I) A SCHOOL NURSE MAY, CERTIFIED NURSING ASSISTANT, OR CERTIFIED MEDICATION TECHNICIAN SHALL SERVE AS ONE OF THE TRAINED SCHOOL PERSONNEL REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(II) AN INDIVIDUAL DESIGNATED WHO IS RECOMMENDED BY THE SCHOOL NURSE OR OTHER SCHOOL HEALTH PRACTITIONER OR A VOLUNTEER AND WHO VOLUNTEERS MAY SERVE AS ONE OF THE TRAINED SCHOOL PERSONNEL UNDER PARAGRAPH (1) OF THIS SUBSECTION.

~~(4)~~ (3) THE TRAINING REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY COUNT TOWARD THE RENEWAL OF A PROFESSIONAL CERTIFICATE ISSUED BY THE DEPARTMENT.

(C) (1) BEGINNING IN THE 2023-2024 SCHOOL YEAR, A PUBLIC SCHOOL SHALL PROVIDE ONLINE OR IN-PERSON TRAINING EVERY 2 YEARS TO ADMINISTRATORS, FACULTY, THERAPISTS, GUIDANCE COUNSELORS, CLASSROOM AIDES, BUS DRIVERS, CONTRACTED EMPLOYEES, AND ANY OTHER SCHOOL PERSONNEL WITH DIRECT CONTACT AND SUPERVISION OF STUDENTS ON REQUIRE AN INDIVIDUAL TRAINED UNDER SUBSECTION (B) OF THIS SECTION TO PRESENT, EVERY 2 YEARS, TO ALL SCHOOL PERSONNEL WHO HAVE DIRECT CONTACT AND SUPERVISION OF STUDENTS AN ABRIDGED VERSION OF THE BEST PRACTICES FOR

SEIZURE RESPONSE, BASED ON THE SCHOOL HEALTH SERVICES GUIDELINES DEVELOPED UNDER SUBSECTION (D) OF THIS SECTION, INCLUDING:

(I) RECOGNIZING THE SIGNS AND SYMPTOMS OF A SEIZURE;
AND

(II) PROCEDURES FOR NOTIFYING THE SCHOOL PERSONNEL TRAINED IN ADMINISTERING FIRST AID FOR A SEIZURE.

(2) SCHOOL PERSONNEL SHALL ATTEND THE PRESENTATION REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION DURING PROFESSIONAL DEVELOPMENT, A PRESERVICE MEETING, OR A STAFF MEETING.

(3) A COUNTY BOARD IS ENCOURAGED TO PROVIDE TO SCHOOL BUS DRIVERS AND SCHOOL BUS AIDES:

(I) THE PRESENTATION REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION DURING THEIR WORK HOURS; OR

(II) THE INFORMATION FROM THE PRESENTATION REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

~~(2)~~ (D) THE DEPARTMENT AND THE MARYLAND DEPARTMENT OF HEALTH, IN CONSULTATION WITH THE EPILEPSY FOUNDATION OF AMERICA AND OTHER INTERESTED STAKEHOLDERS, SHALL DEVELOP SCHOOL HEALTH SERVICES GUIDELINES AND A TRAINING PROGRAM FOR THE SCHOOL PERSONNEL UNDER SUBSECTION (B) OF THIS SECTION ON THE HEALTH CARE NEEDS MANAGEMENT OF A STUDENT DIAGNOSED WITH A SEIZURE DISORDER.

~~(D)~~ (E) (1) BEGINNING IN THE 2023–2024 SCHOOL YEAR, A NONPUBLIC SCHOOL MAY REQUIRE AT LEAST TWO SCHOOL PERSONNEL TO BE TRAINED IN:

(I) RECOGNIZING THE SIGNS AND SYMPTOMS OF A SEIZURE;

(II) APPROPRIATE STEPS FOR ADMINISTERING FIRST AID FOR A SEIZURE; AND

(III) ~~ADMINISTERING~~ SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, ADMINISTERING OR ASSISTING WITH THE SELF-ADMINISTRATION OF A SEIZURE RESCUE MEDICATION, MEDICATION PRESCRIBED TO TREAT SEIZURE DISORDER SYMPTOMS APPROVED BY THE U.S. FOOD AND DRUG ADMINISTRATION, AND MANUAL VAGUS NERVE STIMULATION.

~~(2) SCHOOL PERSONNEL MUST BE APPROVED BY THE SCHOOL NURSE BEFORE THE PERSONNEL ARE AUTHORIZED TO ADMINISTER OR ASSIST WITH SELF ADMINISTRATION OF A SEIZURE RESCUE MEDICATION.~~

~~(3)~~ (2) A SCHOOL NURSE OR OTHER SCHOOL HEALTH CARE PRACTITIONER MAY SERVE AS ONE OF THE TRAINED SCHOOL PERSONNEL REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(3) IN ORDER TO AUTHORIZE SCHOOL PERSONNEL TO ADMINISTER OR ASSIST IN THE ADMINISTRATION OF SEIZURE MEDICATION, A NONPUBLIC SCHOOL SHALL OBTAIN WRITTEN AUTHORIZATION FROM A PARENT OR GUARDIAN IN ACCORDANCE WITH SUBSECTION (G) OF THIS SECTION.

~~(E)~~ (F) (1) THE PARENT OR GUARDIAN OF A STUDENT DIAGNOSED WITH A SEIZURE DISORDER SHALL COLLABORATE WITH SCHOOL PERSONNEL TO CREATE A SEIZURE ACTION PLAN.

(2) THE DEPARTMENT, IN COLLABORATION WITH THE MARYLAND DEPARTMENT OF HEALTH, SHALL ENSURE:

(I) HEALTH GUIDELINES INCLUDE SEIZURE FIRST AID PROCEDURES; AND

(II) HEALTH PLANS INCLUDE SEIZURE ACTION PLANS.

(3) A COPY OF A SEIZURE ACTION PLAN SHALL BE:

(I) RETAINED IN THE OFFICE OF THE SCHOOL NURSE OR AN ADMINISTRATOR; AND

(II) DISTRIBUTED TO ANY SCHOOL PERSONNEL OR VOLUNTEER RESPONSIBLE FOR THE SUPERVISION OR CARE OF A STUDENT DIAGNOSED WITH A SEIZURE DISORDER.

~~(F)~~ (G) (1) THE PARENT OR GUARDIAN OF A STUDENT DIAGNOSED WITH A SEIZURE DISORDER SHALL PROVIDE THE SCHOOL WITH:

(I) A WRITTEN AUTHORIZATION FOR A TRAINED SCHOOL EMPLOYEE TO ADMINISTER OR ASSIST WITH ADMINISTERING SEIZURE MEDICATION AT SCHOOL;

(II) THE PRESCRIBED MEDICATION IN AN UNOPENED, SEALED PACKAGE WITH THE LABEL AFFIXED BY THE DISPENSING PHARMACY INTACT; AND

(III) A WRITTEN STATEMENT FROM THE STUDENT’S HEALTH CARE PRACTITIONER THAT INCLUDES:

1. THE STUDENT’S NAME;
2. THE NAME AND PURPOSE OF THE MEDICATION;
3. THE PRESCRIBED DOSAGE;
4. THE ROUTE OF ADMINISTRATION;
5. THE FREQUENCY THAT THE MEDICATION MAY BE ADMINISTERED; AND
6. THE CIRCUMSTANCES UNDER WHICH THE MEDICATION MAY BE ADMINISTERED.

(2) A WRITTEN AUTHORIZATION FOR THE ADMINISTRATION OF A SEIZURE RESCUE MEDICATION OR MEDICATION PRESCRIBED TO TREAT SEIZURE DISORDER SYMPTOMS SHALL BE:

- (I) EFFECTIVE FOR THE SCHOOL YEAR IN WHICH IT IS SUBMITTED; AND
- (II) RENEWED EACH SCHOOL YEAR IF THE REQUIREMENTS OF THIS SUBSECTION ARE FULFILLED.

~~(G)~~ (H) NOTHING IN THIS SECTION MAY BE CONSTRUED TO AUTHORIZE ANY PUBLIC SCHOOL PERSONNEL TO ADMINISTER OR ASSIST IN SELF-ADMINISTRATION OF MEDICATION FOR A SEIZURE, UNLESS THE PERSONNEL:

(1) HAS COMPLETED THE PAID PROFESSIONAL DEVELOPMENT TRAINING UNDER SUBSECTION (B) OF THIS SECTION; AND

(2) IS AUTHORIZED THROUGH WRITTEN AUTHORIZATION UNDER SUBSECTION (G) OF THIS SECTION TO ADMINISTER OR ASSIST IN SELF-ADMINISTRATION OF MEDICATION.

(I) EXCEPT FOR ANY WILLFUL OR GROSSLY NEGLIGENT ACT, AN EMPLOYEE OR OTHER SCHOOL PERSONNEL WHO RESPONDS IN ~~ACCORDANCE WITH THIS SECTION AND IN~~ GOOD FAITH TO A STUDENT EXPERIENCING A SEIZURE OR SEIZURE DISORDER SYMPTOMS IN ACCORDANCE WITH THIS SECTION ~~IN ACCORDANCE WITH~~

~~THIS SECTION~~ IS IMMUNE FROM CIVIL LIABILITY FOR ANY ACT OR OMISSION IN THE COURSE OF RESPONDING TO THE SITUATION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2022.

Approved by the Governor, April 12, 2022.