

Senate Engrossed

schools; seizure management; treatment plans

State of Arizona
Senate
Fifty-fifth Legislature
Second Regular Session
2022

SENATE BILL 1654

AN ACT

AMENDING TITLE 15, CHAPTER 1, ARTICLE 5, ARIZONA REVISED STATUTES, BY
ADDING SECTION 15-160.02; 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 15-160.02, to read:

4 15-160.02. Seizure management and treatment plans;
5 requirements; immunity; online instruction;
6 rules

7 A. BEGINNING IN THE 2022-2023 SCHOOL YEAR, THE PARENT OR GUARDIAN
8 OF A STUDENT WHO HAS A SEIZURE DISORDER AND WHO IS ENROLLED IN A SCHOOL
9 THAT IS OPERATED BY A SCHOOL DISTRICT OR A CHARTER SCHOOL IN THIS STATE
10 MAY SUBMIT TO THE SCHOOL DISTRICT OR CHARTER SCHOOL IN WHICH THE STUDENT
11 IS ENROLLED A COPY OF A SEIZURE MANAGEMENT AND TREATMENT PLAN FOR SCHOOL
12 PERSONNEL TO USE IF THE STUDENT SUFFERS A SEIZURE AT SCHOOL OR WHILE
13 PARTICIPATING IN A SCHOOL-SPONSORED ACTIVITY. THE PLAN MUST BE DEVELOPED
14 BY THE STUDENT'S PARENT OR GUARDIAN AND THE PHYSICIAN OR REGISTERED NURSE
15 PRACTITIONER AS DEFINED IN SECTION 32-1601 RESPONSIBLE FOR THE STUDENT'S
16 SEIZURE TREATMENT. THE PLAN MUST BE SUBMITTED TO AND REVIEWED BY THE
17 SCHOOL DISTRICT OR CHARTER SCHOOL:

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

19 2. IF THE STUDENT ENROLLS IN THE SCHOOL DISTRICT OR CHARTER SCHOOL
20 AFTER THE BEGINNING OF THE SCHOOL YEAR, WHEN THE STUDENT ENROLLS.

21 3. AS SOON AS PRACTICABLE FOLLOWING A DIAGNOSIS OF THE STUDENT'S
22 SEIZURE DISORDER.

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

25 1. OUTLINE PROCEDURES RECOMMENDED BY THE PHYSICIAN OR REGISTERED
26 NURSE PRACTITIONER AS DEFINED IN SECTION 32-1601 RESPONSIBLE FOR THE
27 STUDENT'S SEIZURE TREATMENT TO MANAGE AN ACTIVE SEIZURE IF THE STUDENT
28 SUFFERS A SEIZURE AT SCHOOL OR WHILE PARTICIPATING IN A SCHOOL-SPONSORED
29 ACTIVITY.

30 2. OUTLINE OTHER HEALTH CARE SERVICES AVAILABLE AT THE SCHOOL THAT
31 THE STUDENT MAY RECEIVE TO HELP TO MANAGE THE STUDENT'S SEIZURE DISORDER
32 AT SCHOOL OR WHILE PARTICIPATING IN A SCHOOL-SPONSORED ACTIVITY.

33 3. BE SIGNED BY THE STUDENT'S PARENT OR GUARDIAN AND THE PHYSICIAN
34 OR REGISTERED NURSE PRACTITIONER AS DEFINED IN SECTION 32-1601 RESPONSIBLE
35 FOR THE STUDENT'S SEIZURE TREATMENT.

36 C. A SCHOOL NURSE WHO IS EMPLOYED BY OR UNDER CONTRACT WITH A
37 SCHOOL DISTRICT OR CHARTER SCHOOL SHALL REVIEW EACH SEIZURE MANAGEMENT AND
38 TREATMENT PLAN. IF A SCHOOL NURSE IS NOT AVAILABLE, THE SCHOOL DISTRICT
39 OR CHARTER SCHOOL SHALL DESIGNATE AN EMPLOYEE WHO IS RESPONSIBLE FOR
40 REVIEWING SEIZURE MANAGEMENT AND TREATMENT PLANS.

41 D. SCHOOL DISTRICTS, CHARTER SCHOOLS, EMPLOYEES OF SCHOOL DISTRICTS
42 OR CHARTER SCHOOLS AND NURSES WHO ARE UNDER CONTRACT WITH A SCHOOL
43 DISTRICT OR CHARTER SCHOOL ARE IMMUNE FROM CIVIL LIABILITY WITH RESPECT TO
44 ALL DECISIONS MADE AND ACTIONS TAKEN THAT ARE BASED ON GOOD FAITH
45 IMPLEMENTATION OF A SEIZURE MANAGEMENT AND TREATMENT PLAN SUBMITTED

1 PURSUANT TO THIS SECTION, INCLUDING AN ACTION OR FAILURE TO ACT IN
2 ADMINISTERING A MEDICATION, ASSISTING WITH SELF-ADMINISTRATION OR
3 OTHERWISE PROVIDING FOR THE CARE OF A STUDENT UNDER A SEIZURE MANAGEMENT
4 AND TREATMENT PLAN SUBMITTED FOR THE STUDENT UNDER THIS SECTION, EXCEPT IN
5 CASES OF GROSS NEGLIGENCE, WILFUL MISCONDUCT OR INTENTIONAL WRONGDOING.

6 E. A SCHOOL NURSE WHO IS EMPLOYED BY OR UNDER CONTRACT WITH A
7 SCHOOL DISTRICT OR CHARTER SCHOOL THAT HAS RECEIVED A SEIZURE MANAGEMENT
8 AND TREATMENT PLAN SHALL COMPLETE AN ONLINE COURSE OF INSTRUCTION FOR
9 SCHOOL NURSES REGARDING MANAGING STUDENTS WITH SEIZURE DISORDERS. THE
10 COURSE MUST BE APPROVED BY THE STATE BOARD OF EDUCATION AND INCLUDE
11 INFORMATION ABOUT SEIZURE RECOGNITION AND RELATED FIRST AID. THE TRAINING
12 PRESCRIBED IN THIS SUBSECTION MAY NOT BE REQUIRED MORE THAN ONCE IN A
13 FIVE-YEAR PERIOD.

14 F. A SCHOOL PRINCIPAL, GUIDANCE COUNSELOR, TEACHER, BUS DRIVER OR
15 CLASSROOM AIDE WHOSE DUTIES AT THE SCHOOL INCLUDE REGULAR CONTACT WITH
16 STUDENTS WHO HAVE SUBMITTED A SEIZURE MANAGEMENT AND TREATMENT PLAN SHALL
17 COMPLETE AN ONLINE COURSE OF INSTRUCTION FOR SCHOOL PERSONNEL REGARDING
18 AWARENESS OF STUDENTS WITH SEIZURE DISORDERS. THE COURSE MUST BE APPROVED
19 BY THE STATE BOARD OF EDUCATION AND INCLUDE INFORMATION ABOUT SEIZURE
20 RECOGNITION AND RELATED FIRST AID. THE TRAINING PRESCRIBED IN THIS
21 SUBSECTION MAY NOT BE REQUIRED MORE THAN ONCE IN A FIVE-YEAR PERIOD.

22 G. A SCHOOL DISTRICT OR CHARTER SCHOOL COMPLIES WITH THIS SECTION
23 IF A STUDENT REQUIRES AN EDUCATIONAL ACCOMMODATION UNDER SECTION 504 OF
24 THE REHABILITATION ACT OF 1973 (P.L. 93-112; 87 STAT. 355; 29 UNITED
25 STATES CODE SECTION 794) AND THE STUDENT'S ACCOMMODATION PLAN INCLUDES A
26 SEIZURE MANAGEMENT AND TREATMENT PLAN.

27 H. BEGINNING SEPTEMBER 1, 2023, EACH CHARTER SCHOOL AND SCHOOL
28 THAT IS OPERATED BY A SCHOOL DISTRICT SHALL HAVE AT LEAST ONE SCHOOL
29 EMPLOYEE AT THE SCHOOL OTHER THAN A SCHOOL NURSE WHO HAS MET THE
30 TRAINING REQUIREMENTS NECESSARY TO ADMINISTER OR ASSIST WITH THE
31 SELF-ADMINISTRATION OF BOTH OF THE FOLLOWING:

32 1. A SEIZURE RESCUE MEDICATION OR A MEDICATION PRESCRIBED TO TREAT
33 SEIZURE DISORDER SYMPTOMS AS APPROVED BY THE UNITED STATES FOOD AND DRUG
34 ADMINISTRATION, OR ITS SUCCESSOR AGENCY.

35 2. A MANUAL DOSE OF PRESCRIBED ELECTRICAL STIMULATION USING A VAGUS
36 NERVE STIMULATOR MAGNET AS APPROVED BY THE UNITED STATES FOOD AND DRUG
37 ADMINISTRATION, OR ITS SUCCESSOR AGENCY.

38 I. NOT LATER THAN DECEMBER 1, 2022, THE STATE BOARD OF EDUCATION
39 SHALL APPROVE AN ONLINE COURSE OF INSTRUCTION THAT IS PROVIDED FREE OF
40 CHARGE BY A NONPROFIT NATIONAL FOUNDATION AND THAT SUPPORTS THE WELFARE OF
41 INDIVIDUALS WITH EPILEPSY AND SEIZURE DISORDERS TO SATISFY THE TRAINING
42 REQUIRED BY SUBSECTIONS E AND F OF THIS SECTION.

43 J. THE STATE BOARD OF EDUCATION SHALL ADOPT RULES AS NECESSARY TO
44 ADMINISTER THIS SECTION.