

HOUSE BILL NO. 5329

November 14, 2023, Introduced by Reps. Hope, Wilson, Arbit, Paiz, Hood, Rheingans, Witwer, Haadsma, Tyrone Carter, Weiss and Breen and referred to the Committee on Education.

A bill to amend 1976 PA 451, entitled
"The revised school code,"
(MCL 380.1 to 380.1852) by adding section 1179c.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **Sec. 1179c. (1) Beginning with the 2025-2026 school year, the**
2 **board of a school district or intermediate school district or board**
3 **of directors of a public school academy shall require that all**
4 **school personnel employed by, or assigned to work at, a school**
5 **operated by the school district, intermediate school district, or**
6 **public school academy successfully complete seizure recognition and**

1 seizure first aid response training on a biennial basis. The
2 seizure recognition and seizure first aid response training
3 described in this subsection must include, but is not limited to,
4 all of the following:

5 (a) Instruction on common seizure types.

6 (b) Seizure first aid steps to assist a pupil who is having a
7 seizure.

8 (c) Information on key factors that make a seizure a medical
9 emergency.

10 (d) Guidance for ways to support pupils living with epilepsy.

11 (2) The board of a school district or intermediate school
12 district or board of directors of a public school academy shall
13 require that all school nurses or school personnel designated to
14 administer medications who are employed by, or assigned to work at,
15 the school district, intermediate school district, or public school
16 academy complete seizure recognition and seizure first aid response
17 training that includes training on medication administration. The
18 seizure recognition and seizure first aid response training
19 described in this subsection must include, but is not limited to,
20 all of the following:

21 (a) Information on common seizure types and potential triggers
22 and risk factors for seizures and emergencies.

23 (b) Guidance on ways in which treatment of epilepsy may affect
24 a pupil's health, safety, or learning.

25 (c) Instruction on seizure first aid to assist a pupil during
26 and after a seizure.

27 (d) Education on seizure action plans for pupils with epilepsy
28 and using safe practices for medication administration and
29 delegation.

1 (3) The department shall develop guidelines regarding the
2 trainings described in subsections (1) and (2). The guidelines
3 described in this subsection and the trainings described in
4 subsections (1) and (2) must be consistent with guidelines
5 developed by the Epilepsy Foundation.

6 (4) For each pupil who is being treated for a seizure
7 disorder, the board of the school district or intermediate school
8 district or board of directors of the public school academy in
9 which the pupil is enrolled shall ensure that a seizure action plan
10 submitted by the pupil's parent or legal guardian is made a part of
11 the pupil's school record. A seizure action plan described in this
12 subsection must include at least all of the following:

13 (a) The pupil's full name.

14 (b) The name and purpose of any medication that the pupil is
15 prescribed.

16 (c) The dosage of the prescription described in subdivision
17 (b).

18 (d) The route of administration of the prescription described
19 in subdivision (b).

20 (e) The frequency with which the medication described in
21 subdivision (b) may be administered.

22 (f) The circumstances under which the medication described in
23 subdivision (b) may be administered.

24 (5) The board of a school district or intermediate school
25 district or board of directors of a public school academy shall
26 ensure that a seizure action plan described in subsection (4) is
27 made accessible to all school personnel who are responsible for the
28 pupil to whom the plan applies.

29 (6) Notwithstanding any public school, school district, or

1 intermediate school district policy to the contrary, upon written
2 permission by a pupil's parent or legal guardian, the board of the
3 school district or intermediate school district or board of
4 directors of the public school academy in which the pupil is
5 enrolled shall ensure that at least 2 employees of the pupil's
6 school are designated by a school administrator to administer
7 seizure medication to the pupil in compliance with the instructions
8 of a physician if the pupil has a prescription for the medication
9 on file at the school. The board or board of directors shall ensure
10 that its local policy concerning the administration of medications
11 to pupils at school is modified, as needed, to comply with this
12 subsection. The department shall identify, develop, and adopt
13 appropriate revisions to any medication administration guidelines
14 issued by the department including, but not limited to, those
15 relating to the training needs and requirements for the
16 administration and maintenance of seizure medication, as needed, to
17 comply with this subsection. Any medication administered under this
18 subsection must be approved by the United States Food and Drug
19 Administration.

20 (7) Subject to section 1178, a school district, intermediate
21 school district, public school academy, school district board
22 member, intermediate school board member, board of directors member
23 of a public school academy, or employee of a school district,
24 intermediate school district, or public school academy who in good
25 faith carries out an act to comply with this section in accordance
26 with this section is not liable for civil damages or subject to
27 criminal prosecution as a result of that act, except for an act or
28 omission amounting to gross negligence. As used in this subsection,
29 "gross negligence" means that term as defined in section 7 of 1964

1 PA 170, MCL 691.1407. This subsection does not eliminate, limit, or
2 reduce any other immunity or defense that a school district,
3 intermediate school district, public school academy, member of a
4 school district board, member of an intermediate school board,
5 board of directors member of a public school academy, or employee
6 of a school district, intermediate school district, or public
7 school academy may have under other state law.

8 (8) As used in this section, "school personnel" means a school
9 administrator, guidance counselor, teacher, school secretary,
10 office secretary, or other relevant school employee with direct
11 contact and supervision of pupils, including, but not limited to,
12 bus drivers and classroom aides.