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## Education Committee

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### HB 2844

**Brief Description:** Promoting a safe learning environment for students with seizure disorders.

**Sponsors:** Representatives Kloba, Vick, Hoff, Stonier, Leavitt, Davis and Tarleton.

#### Brief Summary of Bill

- Requires school districts to provide individual health plans (IHPs) for students with epilepsy or other seizure disorders, and establishes related requirements.
- Repeals provisions governing the care of students with epilepsy from requirements governing the administration of medications to public and private school students.
- Provides criminal and civil immunity provisions for persons who, in good faith, provide assistance or services to students with epilepsy or other seizure disorders.
- Directs the Washington State School Director's Association to adopt a model policy and procedure that school districts may use to implement the IHP requirements for students with epilepsy or other seizure disorders.

**Hearing Date:** 2/13/20

**Staff:** Ethan Moreno (786-7386).

#### Background:

##### Administration of Medications to Students and Provisions Governing Care to Students with Epilepsy.

School districts and private schools may provide for the administration of medications to students who are in the custody of the school district or school at the time of administration, subject to specified requirements, including:

- adopting policies to address the designation of employees and parent-designated adults who may administer medications to students in accordance with received parent requests and instructions;

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- seeking advice from one or more licensed physicians or nurses in developing the policies; and
- designating a licensed physician or nurse to delegate to, train, and supervise the designated school district personnel in proper medication procedures.

If a school district or private school chooses to provide for the administration of medications to students, the school district or private school must adhere to specific requirements for students with epilepsy. For example, the school district or private school must designate a licensed physician or nurse or a nationally certified epilepsy educator to consult and coordinate with the student's parents and health care provider, and to train and supervise the appropriate school district personnel in proper procedures for care for students with epilepsy.

If the parents have designated a volunteering school employee who is not a nurse to administer medications to the student with epilepsy, the designated school employee must receive the epilepsy care training. If the parent-designated adult is not a school employee, he or she must show evidence of comparable training. Regardless of the person's employment status, parent-designated adults must:

- receive additional training from a health care professional or expert in epileptic seizure care selected by the parents;
- provide care that is consistent with the applicable individual health plan (IHP) for the student; and
- receive additional training for any additional care the parents have authorized him or her to provide.

#### Individual Health Plans for Students with Diabetes.

School districts are required to provide IHPs for students with diabetes. In satisfying this requirement, the districts must adopt policies that comply with delineated requirements, including:

- the acquisition of parent requests and instructions;
- the acquisition of orders from licensed health professionals prescribing within the scope of their prescriptive authority for monitoring and treatment at school;
- the storage of medical equipment and medication provided by the parent;
- the development of individual emergency plans;
- the distribution of the IHP to appropriate staff based on the students' needs and staff level of contact with the student; and
- the possession of legal documents for parent-designated adults to provide care, if needed.

Provisions governing IHPs for students with diabetes also include provisions related to

- consultation with medical professionals;
- designating adults who may provide care to students; and
- training requirements.

#### Washington State School Directors' Association.

Established by statute, the Washington State School Directors' Association (WSSDA) is the state agency that provides advice and assistance to local school boards. The WSSDA is charged with coordinating policymaking, control, and management of the state's school districts. Among other actions, the WSSDA adopts model policies and procedures, often in response to legislative directives, that school districts may adopt.

Immunity for Good Faith Provision of Assistance or Services to Students with Diabetes.

A school district, school district employee, agent, or parent-designated adult who, acting in good faith and in substantial compliance with the student's IHP and the instructions of the student's licensed health care professional, provides assistance or services to a student with diabetes is not liable in any criminal action or for civil damages as a result of the services provided.

**Summary of Bill:**

Individual Health Plans for Students with Epilepsy or other Seizure Disorders.

Existing provisions governing the care of students with epilepsy are repealed and replaced with new provisions that require school districts, beginning in the 2021-22 school year, to provide IHPs for students with epilepsy or other seizure disorders.

In complying with IHP requirement, school districts must adopt and periodically revise policies that address specific subjects, examples of which include:

- the acquisition of parent requests and instructions;
- the acquisition of orders from licensed health professionals prescribing within the scope of their prescriptive authority for monitoring and treatment of seizure disorders at school;
- the storage of medical equipment and medication provided by the parent;
- the development of individual emergency plans;
- the distribution of the IHP to appropriate staff based on the students' needs and staff level of contact with the student; and
- the possession of legal documents for parent-designated adults to provide care, if needed.

School districts, in the course of developing the policies, must consult with one or more licensed physicians or nurses, or appropriate personnel from a national epilepsy organization that offers seizure training and education for school nurses and other school personnel.

School districts also must designate a medical professional to consult and coordinate with the student's parents and health care provider, and to train and supervise the appropriate school district personnel in proper procedures for the care for students with epilepsy or other seizure disorders. The required epilepsy or other seizure disorder training may be provided by a national organization that offers training for school nurses for managing students with seizures and seizure training for school personnel.

Parents may designate an adult who is or is not a school employee to provide care for the student that is consistent with the student's IHP. If the parent-designated adult is a school district employee, he or she must receive the epilepsy or other seizure disorder training. If the parent-designated adult is not a school employee, he or she must show evidence of training in proper procedures for care of students with epilepsy or other seizure disorders.

To be eligible to be a parent-designated adult, a defined term, a school district employee who is not a licensed nurse must file a voluntary written, current, and unexpired letter of intent stating the employee's willingness to be a parent-designated adult. If a school district employee chooses not to file a letter of intent, the employee may not be subject to any employer reprisal or disciplinary action for refusing to do so.

Immunity for Good Faith Provision of Assistance or Services to Students with Epilepsy or Other Seizure Disorders.

Provisions establishing criminal and civil liability immunity for persons who provide good faith assistance or services to students with diabetes are extended to persons who provide good faith assistance or services to students with epilepsy or other seizure disorders.

Model Policy and Procedure.

The WSSDA, in consultation with the office of the Superintendent of Public Instruction, must adopt a model policy and procedure that school districts may use to implement the IHP requirements for students with epilepsy or other seizure disorders. The model policy and procedure, which must be developed by December 15, 2020, must be periodically reviewed by the WSSDA and may be revised as necessary.

Other Provisions.

Provisions governing the administration of a nasal spray to public or private school students that is a legend drug or a controlled substance by school nurses, trained school employees, and parent-designated adults who are not school employees, are repealed. The repealed provisions include training requirements and obligations to summon emergency medical assistance.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.