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**HOUSE BILL 1085**

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**State of Washington**

**67th Legislature**

**2021 Regular Session**

**By** Representatives Kloba, Vick, Volz, Leavitt, Ramel, Hoff, Graham, Chopp, Lovick, Stokesbary, and Pollet

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1 AN ACT Relating to promoting a safe learning environment for  
2 students with seizure disorders; amending RCW 28A.210.260 and  
3 28A.210.350; adding a new section to chapter 28A.210 RCW; and adding  
4 a new section to chapter 28A.235 RCW.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 28A.210  
7 RCW to read as follows:

8 (1) School districts shall provide individual health plans for  
9 students with epilepsy or other seizure disorders, subject to the  
10 following conditions:

11 (a) The board of directors of the school district shall adopt and  
12 periodically revise policies to be followed for students with  
13 epilepsy or other seizure disorders. The policies must cover, but  
14 need not be limited to, the following subjects:

15 (i) The acquisition of parent requests and instructions;

16 (ii) The acquisition of orders from licensed health professionals  
17 prescribing within the scope of their prescriptive authority for  
18 monitoring and treatment of seizure disorders at school;

19 (iii) The provision for storage of medical equipment and  
20 medication provided by the parent;

1 (iv) The establishment of school policy exceptions necessary to  
2 accommodate the students' needs related to epilepsy or other seizure  
3 disorders as described in the individual health plan;

4 (v) The development of individual emergency plans;

5 (vi) The distribution of the individual health plan to  
6 appropriate staff based on the students' needs and staff level of  
7 contact with the student;

8 (vii) The possession of legal documents for parent-designated  
9 adults to provide care, if needed; and

10 (viii) The updating of the individual health plan at least  
11 annually; and

12 (b) The board of directors, in the course of developing the  
13 policies in (a) of this subsection, shall consult with one or more  
14 licensed physicians or nurses, or appropriate personnel from a  
15 national epilepsy organization that offers seizure training and  
16 education for school nurses and other school personnel.

17 (2) (a) The board of directors shall designate a professional  
18 person licensed under chapter 18.71, 18.57, or 18.79 RCW as it  
19 applies to registered nurses and advanced registered nurse  
20 practitioners, to consult and coordinate with the student's parents  
21 and health care provider, and train and supervise the appropriate  
22 school district personnel in proper procedures for care for students  
23 with epilepsy or other seizure disorders to ensure a safe,  
24 therapeutic learning environment. Training required under this  
25 subsection (2) (a) may also be provided by a national organization  
26 that offers training for school nurses for managing students with  
27 seizures and seizure training for school personnel.

28 (b) (i) Parent-designated adults who are school district employees  
29 must receive training in accordance with (a) of this subsection (2).

30 (ii) Parent-designated adults who are not school district  
31 employees must show evidence of training in proper procedures for  
32 care of students with epilepsy or other seizure disorders. Training  
33 required under this subsection (2) (b) (ii) may be provided by a  
34 national organization that offers training for school nurses for  
35 managing students with seizures and seizure training for school  
36 personnel.

37 (iii) The professional person designated under (a) of this  
38 subsection (2) is not responsible for the supervision of the parent-  
39 designated adult for procedures authorized by the parents.

1 (3) (a) To be eligible to be a parent-designated adult, a school  
2 district employee not licensed under chapter 18.79 RCW shall file,  
3 without coercion by the employer, a voluntary written, current, and  
4 unexpired letter of intent stating the employee's willingness to be a  
5 parent-designated adult. If a school district employee who is not  
6 licensed under chapter 18.79 RCW chooses not to file a letter under  
7 this section, the employee may not be subject to any employer  
8 reprisal or disciplinary action for refusing to file a letter.

9 (b) (i) For the purposes of this section, "parent-designated  
10 adult" means a parent-designated adult who: (A) Volunteers for the  
11 designation; (B) receives additional training from a health care  
12 professional or expert in care for epilepsy or other seizure  
13 disorders selected by the parents; and (C) provides care for the  
14 child consistent with the individual health plan.

15 (ii) A parent-designated adult may be a school district employee.

16 (4) This section applies beginning with the 2022-23 school year.

17 **Sec. 2.** RCW 28A.210.260 and 2019 c 314 s 41 are each amended to  
18 read as follows:

19 (1) Public school districts and private schools which conduct any  
20 of grades kindergarten through the twelfth grade may provide for the  
21 administration of oral medication, topical medication, eye drops, ear  
22 drops, or nasal spray, of any nature to students who are in the  
23 custody of the school district or school at the time of  
24 administration, but are not required to do so by this section,  
25 subject to the following conditions:

26 (a) The board of directors of the public school district or the  
27 governing board of the private school or, if none, the chief  
28 administrator of the private school shall adopt policies which  
29 address the designation of employees who may administer oral  
30 medications, topical medications, eye drops, ear drops, or nasal  
31 spray to students, the acquisition of parent requests and  
32 instructions, and the acquisition of requests from licensed health  
33 professionals prescribing within the scope of their prescriptive  
34 authority and instructions regarding students who require medication  
35 for more than fifteen consecutive school days, the identification of  
36 the medication to be administered, the means of safekeeping  
37 medications with special attention given to the safeguarding of  
38 legend drugs as defined in chapter 69.41 RCW, and the means of  
39 maintaining a record of the administration of such medication;

1 (b) The board of directors shall seek advice from one or more  
2 licensed physicians or nurses in the course of developing the  
3 foregoing policies;

4 (c) The public school district or private school is in receipt of  
5 a written, current and unexpired request from a parent, or a legal  
6 guardian, or other person having legal control over the student to  
7 administer the medication to the student;

8 (d) The public school district or the private school is in  
9 receipt of: (i) A written, current and unexpired request from a  
10 licensed health professional prescribing within the scope of his or  
11 her prescriptive authority for administration of the medication, as  
12 there exists a valid health reason which makes administration of such  
13 medication advisable during the hours when school is in session or  
14 the hours in which the student is under the supervision of school  
15 officials; and (ii) written, current and unexpired instructions from  
16 such licensed health professional prescribing within the scope of his  
17 or her prescriptive authority regarding the administration of  
18 prescribed medication to students who require medication for more  
19 than fifteen consecutive workdays;

20 (e) The medication is administered by an employee designated by  
21 or pursuant to the policies adopted pursuant to (a) of this  
22 subsection and in substantial compliance with the prescription of a  
23 licensed health professional prescribing within the scope of his or  
24 her prescriptive authority or the written instructions provided  
25 pursuant to (d) of this subsection(~~(. If a school nurse is on the~~  
26 ~~premises, a nasal spray that is a legend drug or a controlled~~  
27 ~~substance must be administered by the school nurse. If no school~~  
28 ~~nurse is on the premises, a nasal spray that is a legend drug or a~~  
29 ~~controlled substance may be administered by a trained school employee~~  
30 ~~or parent-designated adult who is not a school nurse. The board of~~  
31 ~~directors shall allow school personnel, who have received appropriate~~  
32 ~~training and volunteered for such training, to administer a nasal~~  
33 ~~spray that is a legend drug or a controlled substance. After a school~~  
34 ~~employee who is not a school nurse administers a nasal spray that is~~  
35 ~~a legend drug or a controlled substance, the employee shall summon~~  
36 ~~emergency medical assistance as soon as practicable));~~

37 (f) The medication is first examined by the employee  
38 administering the same to determine in his or her judgment that it  
39 appears to be in the original container and to be properly labeled;  
40 ((and))

1 (g) The board of directors shall designate a professional person  
2 licensed pursuant to chapter 18.71 ((RCW)) or ((chapter)) 18.79 RCW  
3 as it applies to registered nurses and advanced registered nurse  
4 practitioners, to delegate to, train, and supervise the designated  
5 school district personnel in proper medication procedures; and

6 (h) To be eligible to be a parent-designated adult, a school  
7 district employee not licensed under chapter 18.79 RCW must file,  
8 without coercion by the employer, a voluntary written, current, and  
9 unexpired letter of intent stating the employee's willingness to be a  
10 parent-designated adult. If a school district employee who is not  
11 licensed under chapter 18.79 RCW chooses not to file a letter under  
12 this section, the employee ((shall)) may not be subject to any  
13 employer reprisal or disciplinary action for refusing to file a  
14 letter. A parent-designated adult must be a volunteer, who may be a  
15 school district employee(~~(, who receives additional training from a~~  
16 ~~health care professional or expert in epileptic seizure care selected~~  
17 ~~by the parents, and who provides care for the child consistent with~~  
18 ~~the individual health plan; and~~

19 ~~(i) The board of directors shall designate a professional person~~  
20 ~~licensed under chapter 18.71, 18.57, or 18.79 RCW as it applies to~~  
21 ~~registered nurses and advanced registered nurse practitioners, to~~  
22 ~~consult and coordinate with the student's parents and health care~~  
23 ~~provider, and train and supervise the appropriate school district~~  
24 ~~personnel in proper procedures for care for students with epilepsy to~~  
25 ~~ensure a safe, therapeutic learning environment. Training may also be~~  
26 ~~provided by an epilepsy educator who is nationally certified. Parent-~~  
27 ~~designated adults who are school employees are required to receive~~  
28 ~~the training provided under this subsection. Parent-designated adults~~  
29 ~~who are not school employees must show evidence of comparable~~  
30 ~~training. The parent-designated adult must also receive additional~~  
31 ~~training as established in (h) of this subsection for the additional~~  
32 ~~care the parents have authorized the parent-designated adult to~~  
33 ~~provide)). The professional person designated under this subsection~~  
34 ~~is not responsible for the supervision of the parent-designated adult~~  
35 ~~for those procedures that are authorized by the parents.~~

36 (2) This section does not apply to:

37 (a) Topical sunscreen products regulated by the United States  
38 food and drug administration for over-the-counter use. Provisions  
39 related to possession and application of topical sunscreen products  
40 are in RCW 28A.210.278; and

1 (b) Opioid overdose reversal medication. Provisions related to  
2 maintenance and administration of opioid overdose reversal medication  
3 are in RCW 28A.210.390.

4 **Sec. 3.** RCW 28A.210.350 and 2002 c 350 s 4 are each amended to  
5 read as follows:

6 A school district, school district employee, agent, or parent-  
7 designated adult who, acting in good faith and in substantial  
8 compliance with the student's individual health plan and the  
9 instructions of the student's licensed health care professional,  
10 provides assistance or services under RCW 28A.210.330 or section 1 of  
11 this act shall not be liable in any criminal action or for civil  
12 damages in his or her individual or marital or governmental or  
13 corporate or other capacities as a result of the services provided  
14 under RCW 28A.210.330 to students with diabetes or under section 1 of  
15 this act to students with epilepsy or other seizure disorders.

16 NEW SECTION. **Sec. 4.** A new section is added to chapter 28A.235  
17 RCW to read as follows:

18 By December 15, 2021, the Washington state school directors'  
19 association, in consultation with the office of the superintendent of  
20 public instruction, shall adopt a model policy and procedure that  
21 school districts may use to implement the requirements of section 1  
22 of this act. The model policy and procedure must be periodically  
23 reviewed by the Washington state school directors' association and  
24 may be revised as necessary.

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