

PUBLIC SCHOOL CODE OF 1949 - SEIZURE RECOGNITION AND RELATED
FIRST AID TRAINING

Act of Nov. 17, 2021, P.L. 430, No. 84

Cl. 24

Session of 2021

No. 2021-84

HB 416

AN ACT

Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An act relating to the public school system, including certain provisions applicable as well to private and parochial schools; amending, revising, consolidating and changing the laws relating thereto," in school health services, providing for seizure recognition and related first aid training.

This act may be referred to as the DOMinate Epilepsy Law.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. The act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, is amended by adding a section to read:

Section 1414.11. Seizure Recognition and Related First Aid Training.--(a) Beginning with the school year 2022-2023 and each year thereafter:

(1) A school nurse may complete a Department of Health-approved online course of instruction or in-person training for school nurses regarding management of a student with seizures that includes information about seizure recognition, a seizure action plan and related first aid.

(2) A professional employe of a school entity, other than a school nurse, whose duties at the school entity include direct contact with students may complete a Department of Health-approved online course of instruction or in-person training regarding awareness of a student with seizures that includes information about seizure recognition and related first aid.

(3) Training under this section shall be provided at no cost and credited toward a professional educator's continuing professional education requirement under section 1205.2 and a school or system leader's continuing professional education requirement under section 1205.5.

(4) Completion of seizure disorder training shall not be construed to obligate a professional employe to administer medication or provide medical care to a student with a seizure disorder.

(5) A professional employe acting in good faith and within the scope of the authority provided under this section shall not be liable for civil damages as a result of an act or omission in the course of any training or related first aid under this section.

(6) No later than June 30, 2022, the Department of Health, in consultation with the Department of Education, shall identify and approve an online course of instruction or in-person training provided by a nonprofit national foundation that supports the welfare of individuals with epilepsy and seizure disorders to satisfy the training required under this section.

(7) The Department of Health, in consultation with the Department of Education, shall adopt guidelines to administer this section.

(b) The following shall apply:

(1) The Department of Health shall provide a nonpublic school with access to the approved online course of instruction or in-person training regarding awareness of a student with seizures that includes information about seizure recognition and related first aid at no cost. The access to and completion of seizure disorder training by nonpublic school employes shall not be construed to do any of the following:

(i) Create, establish or expand any obligations on the part of a nonpublic school to comply with section 504 of the Rehabilitation Act of 1973 (Public Law 93-112, 29 U.S.C. § 794).

(ii) Create, establish, result in or expand any contractual obligations on the part of a nonpublic school.

(2) No nonpublic school employe or nonpublic school shall be liable for civil damages as a result of an act or omission in the course of any training or related first aid under this section except that an employe may be liable for willful misconduct.

(c) For purposes of this section, the following terms shall have the following meanings:

"Nonpublic school." A nonprofit school, other than a public school in this Commonwealth, wherein a resident of this Commonwealth may legally fulfill the compulsory school attendance requirements of this act and which meets the applicable requirements of Title VI of the Civil Rights Act of 1964 (Public Law 88-352, 78 Stat. 241).

"Professional employe." The term shall have the meaning given in section 1101.

"School entity." A school district, intermediate unit, area career and technical school, charter school, cyber charter school or regional charter school.

Section 2. This act shall take effect immediately.

APPROVED--The 17th day of November, A.D. 2021.

TOM WOLF