

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 416 Session of 2021

INTRODUCED BY QUINN, PICKETT, BROOKS, THOMAS, HOWARD, WARREN, O'MARA, BERNSTINE, LAWRENCE, GILLEN, KRUEGER AND HERRIN, FEBRUARY 4, 2021

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, MARCH 17, 2021

AN ACT

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

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

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

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

13 Section 1414.11. Seizure Recognition and Related First Aid
14 Training.--(a) Beginning with the school year 2021-2022 and
15 each year thereafter:

16 (1) A school nurse may complete a Department of Health
17 approved online course of instruction or in-person training for
18 school nurses regarding management of a student with seizures
19 that includes information about seizure recognition, a seizure

1 action plan and related first aid.

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

9 (3) Training under this section shall be provided at no cost
10 and credited toward a professional educator's continuing
11 professional education requirement under section 1205.2, any
12 staff development requirements for paraprofessionals under 22
13 Pa. Code § 14.105 (relating to personnel) and a school or system
14 leader's continuing professional education requirement under
15 section 1205.5.

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

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

25 (6) ~~The~~ NO LATER THAN JUNE 30, 2021, THE Department of <--
26 Health, in consultation with the Department of Education, shall
27 identify, ~~develop or~~ AND approve an online course of instruction <--
28 or in-person training provided by a nonprofit national
29 foundation ~~no later than June 30, 2021,~~ that supports the <--
30 welfare of individuals with epilepsy and seizure disorders to

1 satisfy the training required under this section.

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

5 (B) THE FOLLOWING SHALL APPLY: <--

6 (1) THE DEPARTMENT OF HEALTH SHALL PROVIDE A NONPUBLIC
7 SCHOOL WITH ACCESS TO THE APPROVED ONLINE COURSE OF INSTRUCTION
8 OR IN-PERSON TRAINING REGARDING AWARENESS OF A STUDENT WITH
9 SEIZURES THAT INCLUDES INFORMATION ABOUT SEIZURE RECOGNITION AND
10 RELATED FIRST AID AT NO COST. THE ACCESS TO AND COMPLETION OF
11 SEIZURE DISORDER TRAINING BY NONPUBLIC SCHOOL EMPLOYEES SHALL NOT
12 BE CONSTRUED TO DO ANY OF THE FOLLOWING:

13 (I) CREATE, ESTABLISH OR EXPAND ANY OBLIGATIONS ON THE PART
14 OF A NONPUBLIC SCHOOL TO COMPLY WITH SECTION 504 OF THE
15 REHABILITATION ACT OF 1973 (PUBLIC LAW 93-112, 29 U.S.C. § 794).

16 (II) CREATE, ESTABLISH, RESULT IN OR EXPAND ANY CONTRACTUAL
17 OBLIGATIONS ON THE PART OF A NONPUBLIC SCHOOL.

18 (2) NO NONPUBLIC SCHOOL EMPLOYEE OR NONPUBLIC SCHOOL SHALL BE
19 LIABLE FOR CIVIL DAMAGES AS A RESULT OF AN ACT OR OMISSION IN
20 THE COURSE OF ANY TRAINING OR RELATED FIRST AID UNDER THIS
21 SECTION EXCEPT THAT AN EMPLOYEE MAY BE LIABLE FOR WILLFUL
22 MISCONDUCT.

23 ~~(b)~~ (C) For purposes of this section, the following terms <--
24 shall have the following meanings:

25 "NONPUBLIC SCHOOL." A NONPROFIT SCHOOL, OTHER THAN A PUBLIC <--
26 SCHOOL IN THIS COMMONWEALTH, WHEREIN A RESIDENT OF THIS
27 COMMONWEALTH MAY LEGALLY FULFILL THE COMPULSORY SCHOOL
28 ATTENDANCE REQUIREMENTS OF THIS ACT AND WHICH MEETS THE
29 APPLICABLE REQUIREMENTS OF TITLE VI OF THE CIVIL RIGHTS ACT OF
30 1964 (PUBLIC LAW 88-352, 78 STAT. 241).

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

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

6 Section 2. This act shall take effect immediately.