

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

SENATOR MARTIN, EDUCATION, IN SENATE, AS AMENDED, MAY 10, 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 HEALTH-APPROVED online course of instruction or in- <--
18 person training for school nurses regarding management of a
19 student with seizures that includes information about seizure

1 recognition, a seizure 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 approved online course of instruction or in-person training
6 regarding awareness of a student with seizures that includes
7 information about seizure recognition and related first aid.

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

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

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

24 (6) No later than June 30, 2021, the Department of Health,
25 in consultation with the Department of Education, shall identify
26 and approve an online course of instruction or in-person
27 training provided by a nonprofit national foundation that
28 supports the welfare of individuals with epilepsy and seizure
29 disorders to satisfy the training required under this section.

30 (7) The Department of Health, in consultation with the

1 Department of Education, shall adopt guidelines to administer
2 this section.

3 (b) The following shall apply:

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

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

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

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

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

23 "Nonpublic school." A nonprofit school, other than a public
24 school in this Commonwealth, wherein a resident of this
25 Commonwealth may legally fulfill the compulsory school
26 attendance requirements of this act and which meets the
27 applicable requirements of Title VI of the Civil Rights Act of
28 1964 (Public Law 88-352, 78 Stat. 241).

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

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

4 Section 2. This act shall take effect immediately.