

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1262 Session of 2021

INTRODUCED BY MARKOSEK, T. DAVIS, KINSEY, DIAMOND, SCHLOSSBERG, LONGIETTI, SANCHEZ, HOHENSTEIN, MALAGARI, KULIK, HILL-EVANS, CIRESI, DEASY, PISCIOTTANO, O'MARA AND SCHWEYER, APRIL 21, 2021

REFERRED TO COMMITTEE ON EDUCATION, APRIL 21, 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 management and treatment plan, for seizure  
 7 disorder management and first aid liability, for acts not  
 8 considered delegation for seizure disorder care and for  
 9 liability.

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

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

15 Section 1414.11. Seizure Management and Treatment Plan.--(a)  
 16 The parent or guardian of a student with a seizure disorder may  
 17 seek care for the student's seizures while the student is at  
 18 school or participating in a school activity by submitting to  
 19 the school entity where the student is enrolled a copy of a  
 20 seizure management and treatment plan developed by the parent or

1 guardian and the family physician responsible for the student's  
2 seizure management and treatment.

3 (b) The seizure management and treatment plan submitted  
4 under subsection (a) may be reviewed by the school entity to  
5 determine if the plan satisfies the criteria under subsection  
6 (c):

7 (1) before or at the beginning of the school year;

8 (2) on the date of the enrollment of the student if the  
9 student enrolls in the school entity after the beginning of the  
10 school year; or

11 (3) as soon as practicable following a diagnosis of a  
12 seizure disorder for the student.

13 (c) A seizure management and treatment plan shall:

14 (1) identify the health care services that the student may  
15 receive while at school or participating in a school activity;

16 (2) evaluate the student's ability to manage the ongoing  
17 maintenance of the student's seizure disorder; and

18 (3) be signed by the student's parent or guardian and the  
19 family physician responsible for the student's seizure  
20 management and treatment.

21 (d) As used in this section, "school entity" means any  
22 public school, charter school, cyber charter school, private  
23 school, nonpublic school, intermediate unit or area vocational-  
24 technical school.

25 Section 1414.12. Seizure Disorder Management and First Aid  
26 Liability.--(a) Nothing in the provisions under sections  
27 1414.11 shall be construed to establish or expand any civil  
28 liability on the part of a school entity or school employe.

29 (b) As used in this section, "school entity" means any  
30 public school, charter school, cyber charter school, private

1 school, nonpublic school, intermediate unit or area vocational-  
2 technical school.

3 Section 1414.13. Acts Not Considered Delegation for Seizure  
4 Disorder Care.--Notwithstanding any other law to the contrary,  
5 coordinating or supervising the provision of seizure disorder  
6 care under section 1414.11 shall not be construed as a  
7 delegation by a health care practitioner.

8 Section 1414.14. Liability.--(a) A school district or  
9 school district employe or agent, acting in good faith and in  
10 substantial compliance with a student's seizure management and  
11 treatment plan and the instructions of the student's family  
12 physician, shall not be subject to any criminal or civil  
13 liability or any professional disciplinary action.

14 (b) A health care practitioner who acts in accordance with  
15 section 1414.11 when coordinating or supervising care for a  
16 student shall not be subject to any criminal or civil liability  
17 or any professional disciplinary action.

18 Section 2. The addition of sections 1414.11, 1414.12,  
19 1414.13, and 1414.14 of the act shall apply to the 2021-2022  
20 school year and each school year thereafter.

21 Section 3. This act shall take effect in 60 days.