

ASSEMBLY, No. 6011

STATE OF NEW JERSEY

218th LEGISLATURE

INTRODUCED NOVEMBER 25, 2019

Sponsored by:

Assemblywoman MILA M. JASEY

District 27 (Essex and Morris)

Assemblywoman ANNETTE QUIJANO

District 20 (Union)

Assemblyman JOHN F. MCKEON

District 27 (Essex and Morris)

Co-Sponsored by:

Assemblywoman DiMaso, Assemblymen Danielsen and Thomson

SYNOPSIS

“Paul’s Law”; authorizes parent or guardian to request use of individualized health care plan for student with epilepsy or seizure disorder.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/10/2019)

1 AN ACT concerning the care of students with epilepsy and seizure
2 disorders, designated as "Paul's Law," and supplementing
3 chapter 40 of Title 18A of the New Jersey Statutes.

4
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*

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8 1. As used in this act:

9 "Individualized emergency health care plan" means a document
10 developed by the school nurse, in consultation with the parent or
11 guardian of a student with epilepsy or a seizure disorder and other
12 appropriate medical professionals, which is consistent with the
13 recommendations of the student's health care providers and which
14 outlines a set of procedural guidelines that provide specific
15 directions about what to do in a particular emergency situation and
16 is signed by the parent or guardian and the school nurse.

17 "Individualized health care plan" means a document developed
18 by the school nurse, in consultation with the parent or guardian of a
19 student with epilepsy or a seizure disorder and other appropriate
20 medical professionals who may be providing epilepsy or seizure
21 disorder care to the student, which is consistent with the
22 recommendations of the student's health care providers and which
23 sets out the health services needed by the student at school and is
24 signed by the parent or guardian and the school nurse.

25 "School" means an elementary or secondary public school
26 located within this State.

27 "School employee" means a person employed by a school
28 district.

29

30 2. a. The parent or guardian of a student with epilepsy or a
31 seizure disorder who seeks epilepsy or seizure disorder care while
32 at school shall inform the school nurse who shall develop an
33 individualized health care plan and an individualized emergency
34 health care plan for the student, provided that the parents or
35 guardians of the student annually provide to the board of education
36 written authorization for the provision of epilepsy or seizure
37 disorder care as may be outlined in the individualized plans.

38 b. The individualized health care plan and individualized
39 emergency health care plan developed in accordance with
40 subsection a. of this section shall be updated by the school nurse
41 prior to the beginning of each school year and as necessary in the
42 event that there is a change in the health status of the student.

43 c. Each individualized health care plan shall include, and each
44 individualized emergency health care plan may include, the
45 following information:

46 (1) written orders from the student's physician or advanced
47 practice nurse outlining the epilepsy or seizure disorder care;

1 (2) the symptoms of the epilepsy or seizure disorder for that
2 particular student and recommended care;

3 (3) full participation in exercise and sports, and any
4 contraindications to exercise, or accommodations that must be made
5 for that particular student;

6 (4) accommodations for school trips, after-school activities,
7 class parties, and other school-related activities;

8 (5) education of all school personnel about epilepsy and seizure
9 disorders, how to recognize and provide care for epilepsy and
10 seizure disorders, and when to call for assistance;

11 (6) medical and treatment issues that may affect the educational
12 process of the student with epilepsy or the seizure disorder;

13 (7) the student's ability to manage, and the student's level of
14 understanding of, the student's epilepsy or seizure disorder; and

15 (8) how to maintain communication with the student, the
16 student's parent or guardian and health care team, the school nurse,
17 and the educational staff.

18 d. (1) The school nurse assigned to a particular school shall
19 coordinate the provision of epilepsy and seizure disorder care at that
20 school and ensure that all staff are trained every two years in the
21 care of students with epilepsy and seizure disorders, including staff
22 working with school-sponsored programs outside of the regular
23 school day, as provided in the individualized health care plan and
24 the individualized emergency health care plan.

25 (2) The training required pursuant to paragraph (1) of this
26 subsection shall include a Department of Education-approved on-
27 line or in-person course of instruction provided by a nonprofit
28 national organization that supports the welfare of individuals with
29 epilepsy and seizure disorders.

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31 3. In the event that a school bus driver transports a student with
32 epilepsy or a seizure disorder, a school district shall provide the
33 driver with: a notice of the student's condition; information on how
34 to provide care for epilepsy or the seizure disorder; emergency
35 contact information; epilepsy and seizure disorder first aid training;
36 and parent contact information.

37
38 4. The school nurse shall obtain a release from the parent or
39 guardian of a student with epilepsy or a seizure disorder to
40 authorize the sharing of medical information between the student's
41 physician or advanced practice nurse and other health care
42 providers. The release shall also authorize the school nurse to share
43 medical information with other staff members of the school district
44 as necessary.

45
46 5. No school employee, including a school nurse, a school bus
47 driver, a school bus aide, or any other officer or agent of a board of
48 education, shall be held liable for any good faith act or omission

1 consistent with the provisions of this act, nor shall an action before
2 the New Jersey State Board of Nursing lie against a school nurse for
3 any such action taken by a person trained in good faith by the
4 school nurse pursuant to this act. Good faith shall not include
5 willful misconduct, gross negligence, or recklessness.

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7 6. This act shall take effect immediately.
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10 STATEMENT
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12 This bill concerns the care provided to public school students
13 with epilepsy or seizure disorders and is designated as “Paul’s
14 Law.” Under the bill’s provisions, the parents or guardians of a
15 student with epilepsy or a seizure disorder who seek epilepsy or
16 seizure disorder care for that student while at school will inform the
17 school nurse. The school nurse will develop an individualized
18 health care plan and an individualized emergency health care plan
19 for that student provided that the parent or guardian provides annual
20 written authorization for the provision of epilepsy or seizure
21 disorder care at school.

22 Each individualized health care plan must include and each
23 individualized emergency health care plan may include the
24 following:

25 (1) written orders from the student’s physician or advanced
26 practice nurse outlining the epilepsy or seizure disorder care;

27 (2) the symptoms of the epilepsy or seizure disorder for that
28 particular student and recommended care;

29 (3) full participation in exercise and sports, and any
30 contraindications to exercise, or accommodations that must be made
31 for that particular student;

32 (4) accommodations for school trips, after-school activities,
33 class parties, and other school-related activities;

34 (5) education of all school personnel about epilepsy and seizure
35 disorders, how to recognize and provide care for epilepsy and
36 seizure disorders, and when to call for assistance;

37 (6) medical and treatment issues that may affect the educational
38 process of the student with epilepsy or a seizure disorder;

39 (7) the student’s ability to manage, and the student’s level of
40 understanding of, the student’s epilepsy or seizure disorder; and

41 (8) how to maintain communication with the student, the
42 student’s parent or guardian and health care team, the school nurse,
43 and the educational staff.

44 Under the provisions of the bill, the school nurse assigned to a
45 particular school will coordinate the provision of epilepsy and
46 seizure disorder care at that school and ensure that all staff are
47 trained every two years in the care of students with epilepsy and
48 seizure disorders. The training is required to include a Department

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1 of Education-approved on-line or in-person course of instruction
2 provided by a nonprofit national organization that supports the
3 welfare of individuals with epilepsy and seizure disorders.

4 The bill provides that a school district must provide to a school
5 bus driver who transports a pupil with epilepsy or a seizure
6 disorder: a notice of the pupil's condition; information on how to
7 provide care in the case of epilepsy or a seizure disorder;
8 emergency contact information; epilepsy and seizure disorder first
9 aid training; and parent contact information.

10 Finally, the bill provides that a school employee will not be
11 liable for any good faith action taken in accordance with the bill's
12 provisions.