

# SENATE, No. 1060

## STATE OF NEW JERSEY 221st LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2024 SESSION

**Sponsored by:**

**Senator LINDA R. GREENSTEIN**

**District 14 (Mercer and Middlesex)**

**Senator NILSA I. CRUZ-PEREZ**

**District 5 (Camden and Gloucester)**

**Co-Sponsored by:**

**Senator Polistina**

**SYNOPSIS**

Requires public schools to develop policy for emergency administration of nasal seizure rescue medication and use of manual vagus nerve stimulators on students with seizure disorders.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



**(Sponsorship Updated As Of: 5/6/2024)**

1 AN ACT concerning seizure disorder emergencies in public schools  
2 and amending and supplementing P.L.2019, c.290.

3

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

6

7 1. Section 1 of P.L.2019, c.290 (C.18A:40-12.34) is amended  
8 to read as follows:

9 1. As used in **[this act]** P.L.2019, c.290 (C.18A:40-12.34 et  
10 seq.) and P.L. , c. (C. ) (pending before the Legislature as this  
11 bill):

12 "Individualized emergency health care plan" means a document  
13 developed by the school nurse, in consultation with the parent or  
14 guardian of a student with epilepsy or a seizure disorder and other  
15 appropriate medical professionals, which is consistent with the  
16 recommendations of the student's health care providers and which  
17 provides specific actions for non-medical school staff to do in a  
18 particular emergency situation and is signed by the parent or  
19 guardian and the school nurse.

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

28 "School" means an elementary or secondary public school  
29 located within this State.

30 "School employee" means a person employed by a school  
31 district.

32 "Seizure action plan" means a comprehensive document provided  
33 by the student's physician, advanced practice nurse, or physician's  
34 assistant which includes, but is not limited to, information regarding  
35 presentation of seizures, seizure triggers, daily seizure medications,  
36 seizure first aid, and additional treatments. The seizure action plan  
37 shall indicate whether a non-nursing employee may be designated  
38 to: administer emergency nasal rescue medication; and use a  
39 manual vagus nerve stimulator.

40 (cf: P.L.2019, c.290, s.1)

41

42 2. Section 5 of P.L.2019, c.290 (C.18A:40-12.38) is amended  
43 to read as follows:

44 5. No school employee, including a school nurse, a school bus  
45 driver, a school bus aide, or any other officer or agent of a board of

**EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.**

**Matter underlined thus is new matter.**

1 education, shall be held liable for any good faith act or omission  
2 consistent with the provisions of **【this act】** P.L.2019, c.290  
3 (C.18A:40-12.34 et seq.) and P.L. , c. (C. ) (pending before the  
4 Legislature as this bill), nor shall an action before the New Jersey  
5 State Board of Nursing lie against a school nurse for any such  
6 action taken by a person trained in good faith by the school nurse  
7 pursuant to **【this act】** these acts. Good faith shall not include  
8 willful misconduct, gross negligence, or recklessness.  
9 (cf: P.L.2019, c.290, s.5)

10

11 3. (New section) a. Each board of education shall develop a  
12 policy in accordance with the guidelines established by the  
13 Department of Education pursuant to section 4 of P.L. , c. (C. )  
14 (pending before the Legislature as this bill) for the emergency  
15 administration of nasal seizure rescue medication and the  
16 emergency use of a manual vagus nerve stimulator on a student  
17 with a seizure disorder.

18 b. The policy shall provide that the school nurse shall have the  
19 primary responsibility for the administration of nasal seizure rescue  
20 medication and the use of a manual vagus nerve stimulator. The  
21 certified school nurse shall designate, in consultation with the board  
22 of education, at least two additional employees of the school district  
23 who volunteer to administer the nasal seizure rescue medication and  
24 use a manual vagus nerve stimulator on a student when the school  
25 nurse is not physically present at the scene. The Department of  
26 Education, in consultation with the Department of Health, shall  
27 require trained designees for students enrolled in a school who may  
28 require the emergency administration of the nasal seizure rescue  
29 medication or the use of a manual vagus nerve stimulator.

30 c. The certified school nurse shall determine that:

31 (1) the designees have been properly trained in the  
32 administration of the nasal seizure rescue medication and the use of  
33 a manual vagus nerve stimulator using standardized training  
34 protocols established by the Department of Education and the  
35 Department of Health;

36 (2) the parents or guardians of the student consent in writing to  
37 the administration of the nasal seizure rescue medication and use of  
38 a manual vagus nerve stimulator by the designees;

39 (3) the school board informs the parents or guardians of the  
40 student in writing that the school district and its employees or  
41 agents shall have no liability as a result of any injury arising from  
42 the administration of the nasal seizure rescue medication and the  
43 use of a manual vagus nerve stimulator on the student;

44 (4) the parents or guardians of the student sign a statement  
45 acknowledging their understanding that the district shall have no  
46 liability as a result of any injury arising from the administration of  
47 the nasal seizure rescue medication and the use of a manual vagus  
48 nerve stimulator on the student and that the parents or guardians

1 shall indemnify and hold harmless the district and its employees or  
2 agents against any claims arising out of the administration of the  
3 nasal seizure rescue medication and the use of a manual vagus  
4 nerve stimulator on the student; and

5 (5) the permission is effective for the school year for which it is  
6 granted and is renewed for each subsequent school year upon  
7 fulfillment of the requirements in paragraphs (1) through (4) of this  
8 subsection.

9 d. The policy shall also require:

10 (1) the transportation of the student to a hospital emergency  
11 room by emergency services personnel after the administration of  
12 the nasal seizure rescue medication, and if indicated in the  
13 emergency action plan after the use of a manual vagus nerve  
14 stimulator. The student shall be evaluated and receive medical  
15 clearance to return to school;

16 (2) an alternative plan in the case that a student's seizure action  
17 plan does not permit the administration of nasal seizure rescue  
18 medication or the use of a manual vagus nerve stimulator by a  
19 designee. An alternative plan may provide for seizure first aid, a  
20 request for emergency services personnel, or any other action  
21 deemed appropriate; and

22 (3) the parent or guardian to provide an ample supply of the  
23 prescribed nasal seizure rescue medication to the school nurse and  
24 to the designees. Alternatively, if provided for in the seizure action  
25 plan, the nasal seizure rescue medication may be permitted to be  
26 carried on the student's person.

27  
28 4. (New section) a. The Department of Education, in  
29 consultation with the Department of Health, appropriate medical  
30 experts, and professional organizations representing school nurses,  
31 principals, and teachers, shall establish and disseminate to each  
32 board of education guidelines for the development of a policy by a  
33 school district for the emergency administration of nasal seizure  
34 rescue medication and the use of a manual vagus nerve stimulator  
35 on students.

36 b. Each board of education shall implement in the schools of the  
37 district the guidelines established and disseminated pursuant to  
38 subsection a. of this section.

39  
40 5. (New section) a. In an effort to assist the certified school  
41 nurse in a school district in recruiting and training additional school  
42 employees as volunteer designees to administer the nasal seizure  
43 rescue medication and use a manual vagus nerve stimulator when  
44 the school nurse is not physically present, the Department of  
45 Education and the Department of Health shall jointly develop  
46 training protocols, in consultation with the New Jersey State School  
47 Nurses Association.

1       b. The certified school nurse in consultation with the board of  
2 education shall recruit and train volunteer designees who are  
3 determined acceptable candidates by the school nurse as deemed  
4 necessary by the nursing service plan.

5  
6       6. (New section) The Department of Education shall take  
7 appropriate action to ensure that each school district incorporates  
8 age-appropriate education on epilepsy and seizure disorders,  
9 consistent with the classroom education programs developed by the  
10 Epilepsy Foundation of America or any successor organization, for  
11 students at least once between kindergarten and third grade and at  
12 least once between grades six and 12.

13  
14       7. This act shall take effect on the first day of the 12th month  
15 next following the date of enactment, except that the Department of  
16 Education may take any anticipatory administrative action in  
17 advance as shall be necessary for the implementation of this act,  
18 including the development of training protocols for the  
19 administration of nasal seizure rescue medication and the use of  
20 manual vagus nerve stimulators by school employees designated by  
21 the certified school nurse.

22

23

24

#### STATEMENT

25

26       This bill requires a board of education to develop a policy in  
27 accordance with the guidelines established by the Department of  
28 Education for the emergency administration of nasal seizure rescue  
29 medication and the emergency use of a manual vagus nerve  
30 stimulator on a student with a seizure disorder. Pursuant to the  
31 policy, the school nurse is to have the primary responsibility for the  
32 administration of nasal seizure rescue medication. The certified  
33 school nurse is required to designate at least two additional  
34 employees of the school district who volunteer to administer the  
35 nasal seizure rescue medication and use a manual vagus nerve  
36 stimulator on a student when the school nurse is not physically  
37 present at the scene.

38       The certified school nurse is required to determine that:

- 39       • the designees have been properly trained;
- 40       • the parents of the student consent in writing to the  
41 administration of the nasal seizure rescue medication and  
42 use of a manual vagus nerve stimulator by the designees;
- 43       • the parents are informed in writing that the district and its  
44 employees have no liability as a result of any injury  
45 arising from the administration of the nasal seizure rescue  
46 medication and the use of a manual vagus nerve  
47 stimulator; and

- 1           • the parents sign a statement acknowledging their  
2           understanding that the district has no liability as a result  
3           of any injury arising from the administration of the nasal  
4           seizure rescue medication and the use of a manual vagus  
5           nerve stimulator.

6           The policy developed by the school district is to require:

7           (1) the transportation of the student to a hospital emergency  
8           room by emergency services personnel after the administration of  
9           the nasal seizure rescue medication, and if indicated in the  
10          emergency action plan after the use of a manual vagus nerve  
11          stimulator. The student is to be evaluated and receive medical  
12          clearance in order to return to school;

13          (2) an alternative plan in the case that a student's seizure action  
14          plan does not permit the administration of nasal seizure rescue  
15          medication or the use of a manual vagus nerve stimulator by a  
16          designee; and

17          (3) the parent to provide an ample supply of the prescribed nasal  
18          seizure rescue medication to the school nurse and to the designees.  
19          Alternatively, if provided for in the seizure action plan, the nasal  
20          seizure rescue medication may be permitted to be carried on the  
21          student's person.

22          The Department of Education, in consultation with the  
23          Department of Health, appropriate medical experts, and  
24          professional organizations representing school nurses, principals,  
25          and teachers, is required to establish and disseminate to each board  
26          of education guidelines for the development of a policy by a school  
27          district for the emergency administration of nasal seizure rescue  
28          medication and the use of a manual vagus nerve stimulator on  
29          students. The Departments of Education and Health are also  
30          required to jointly develop protocols, in consultation with the New  
31          Jersey State School Nurses Association, for the training of  
32          additional school employees as volunteer designees to administer  
33          the nasal seizure rescue medication and use a manual vagus nerve  
34          stimulator when the school nurse is not physically present.

35          The bill requires the Department of Education to take appropriate  
36          action to ensure that each school district incorporates age-  
37          appropriate education on epilepsy and seizure disorders, consistent  
38          with the classroom education programs developed by the Epilepsy  
39          Foundation of America, at least once between kindergarten and  
40          third grade and at least once between grades six and 12.

41          The bill will take effect on the first day of the 12th month next  
42          following the date of enactment, except that the Department of  
43          Education may take anticipatory administrative action to implement  
44          the bill's provisions. This delayed effective date will allow time for  
45          the development of training protocols for school employees  
46          designated by the certified school nurse to administer the nasal  
47          seizure rescue medication or use the manual vagus nerve stimulator  
48          when the school nurse is not present.