

[First Reprint]

SENATE, No. 4141

STATE OF NEW JERSEY
218th LEGISLATURE

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Sponsored by:

Senator JAMES BEACH

District 6 (Burlington and Camden)

Senator CHRISTOPHER "KIP" BATEMAN

District 16 (Hunterdon, Mercer, Middlesex and Somerset)

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 reported by the Senate Education Committee on November 14, 2019, with amendments.



1 AN ACT concerning the care of students with ¹epilepsy and¹ 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:

7
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 ¹epilepsy or¹ 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 ¹epilepsy or¹ a seizure disorder and other appropriate
20 medical professionals who may be providing ¹epilepsy or¹ 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 ¹epilepsy or¹ a
31 seizure disorder who seeks ¹epilepsy or¹ 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^{1,1} provided that the parents or
35 guardians of the student annually provide to the board of education
36 written authorization for the provision of ¹epilepsy or¹ 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:

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SED committee amendments adopted November 14, 2019.

- 1 (1) written orders from the student's physician or advanced
2 practice nurse outlining the 'epilepsy or' seizure disorder care;
- 3 (2) the symptoms of the 'epilepsy or' seizure disorder for that
4 particular student and recommended care;
- 5 (3) full participation in exercise and sports, and any
6 contraindications to exercise, or accommodations that must be made
7 for that particular student;
- 8 (4) accommodations for school trips, after-school activities,
9 class parties, and other school-related activities;
- 10 (5) education of all school personnel about 'epilepsy and'
11 seizure disorders, how to recognize and provide care for 'epilepsy
12 and' seizure disorders, and when to call for assistance;
- 13 (6) medical and treatment issues that may affect the educational
14 process of the student with 'epilepsy or' the seizure disorder;
- 15 (7) the student's ability to manage, and the student's level of
16 understanding of, the student's 'epilepsy or' seizure disorder; and
- 17 (8) how to maintain communication with the student, the
18 student's parent or guardian and health care team, the school nurse,
19 and the educational staff.
- 20 d. (1) The school nurse assigned to a particular school shall
21 coordinate the provision of 'epilepsy and' seizure disorder care at
22 that school and ensure that all staff are trained 'every two years' in
23 the care of students with 'epilepsy and' seizure disorders, including
24 staff working with school-sponsored programs outside of the
25 regular school day, as provided in the individualized health care
26 plan and the individualized emergency health care plan.
- 27 (2) The training required pursuant to paragraph (1) of this
28 subsection shall include a Department of Education-approved on-
29 line 'or in-person' course of instruction provided by a nonprofit
30 national '[foundation] organization' that supports the welfare of
31 individuals with 'epilepsy and' seizure '[disorder, such as the
32 Epilepsy Foundation of America. A seizure training program
33 approved by the department that is provided to a school district on
34 portable media shall be provided by the nonprofit entity free of
35 charge] disorders'.
36
- 37 3. In the event that a school bus driver transports a student with
38 'epilepsy or' a seizure disorder, a school district shall provide the
39 driver with: a notice of the student's condition; information on how
40 to provide care for 'epilepsy or' the seizure disorder; emergency
41 contact information; 'epilepsy and seizure disorder first aid
42 training;' and parent contact information.
43
- 44 4. The school nurse shall obtain a release from the parent or
45 guardian of a student with 'epilepsy or' a seizure disorder to
46 authorize the sharing of medical information between the student's

1 physician or advanced practice nurse and other health care
2 providers. The release shall also authorize the school nurse to share
3 medical information with other staff members of the school district
4 as necessary.

5
6 5. No school employee, including a school nurse, a school bus
7 driver, a school bus aide, or any other officer or agent of a board of
8 education, shall be held liable for any good faith act or omission
9 consistent with the provisions of this act, nor shall an action before
10 the New Jersey State Board of Nursing lie against a school nurse for
11 any such action taken by a person trained in good faith by the
12 school nurse pursuant to this act. Good faith shall not include
13 willful misconduct, gross negligence, or recklessness.

14
15 6. This act shall take effect immediately.