

118TH CONGRESS
2ND SESSION

S. _____

To amend the Elementary and Secondary Education Act of 1965 to authorize a grant program to support students who have epilepsy or a seizure disorder.

IN THE SENATE OF THE UNITED STATES

Mr. BOOKER introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To amend the Elementary and Secondary Education Act of 1965 to authorize a grant program to support students who have epilepsy or a seizure disorder.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Seizure Awareness and
5 Preparedness Act”.

6 **SEC. 2. GRANT PROGRAM TO SUPPORT STUDENTS WHO**
7 **HAVE EPILEPSY OR A SEIZURE DISORDER.**

8 (a) IN GENERAL.—Title IV of the Elementary and
9 Secondary Education Act of 1965 (20 U.S.C. 7101 et
10 seq.) is amended by adding at the end the following:

1 **“PART G—GRANT PROGRAM TO SUPPORT STU-**
2 **DENTS WHO HAVE EPILEPSY OR A SEIZURE**
3 **DISORDER**

4 **“SEC. 4701. GRANT PROGRAM TO SUPPORT STUDENTS WHO**
5 **HAVE EPILEPSY OR A SEIZURE DISORDER.**

6 “(a) DEFINITIONS.—In this section:

7 “(1) INDIVIDUALIZED EMERGENCY HEALTH
8 CARE PLAN.—The term ‘individualized emergency
9 health care plan’ means a document developed by a
10 student’s health care provider, in consultation with
11 the parent of a student with epilepsy or a seizure
12 disorder, other appropriate medical professionals
13 who may be providing epilepsy or seizure disorder
14 care to the student, and the school nurse, which out-
15 lines a set of procedural guidelines that provide spe-
16 cific directions about what to do in a particular
17 emergency situation and is signed by the health care
18 provider, the parent, and the school nurse.

19 “(2) INDIVIDUALIZED HEALTH CARE PLAN.—
20 The term ‘individualized health care plan’ means a
21 document developed by a student’s health care pro-
22 vider, in consultation with the parent of a student
23 with epilepsy or a seizure disorder, other appropriate
24 medical professionals who may be providing epilepsy
25 or seizure disorder care to the student, and the
26 school nurse, which is consistent with the rec-

1 ommendations of the student’s health care provider
2 and which sets out the health services needed by the
3 student at school and is signed by the health care
4 provider, the parent, and the school nurse.

5 “(b) AUTHORIZATION OF GRANT PROGRAM.—The
6 Secretary shall award grants to States, on a competitive
7 basis, to enable the States to award subgrants to local
8 educational agencies to carry out a program that supports
9 students with epilepsy and seizure disorders in schools.

10 “(c) APPLICATIONS FOR GRANTS.—A State that de-
11 sires to receive a grant under this section shall submit an
12 application to the Secretary at such time, in such manner,
13 and accompanied by such information as the Secretary
14 may require.

15 “(d) SUBGRANTS AUTHORIZED.—

16 “(1) IN GENERAL.—A State that receives a
17 grant under this section shall use the grant funds to
18 award subgrants to local educational agencies to en-
19 able the local educational agencies to carry out a
20 program that funds training of school personnel on
21 seizure awareness and preparedness that covers indi-
22 vidualized health care plans and individualized emer-
23 gency health care plans for students who have epi-
24 lepsy or a seizure disorder.

1 “(2) APPLICATIONS FOR SUBGRANTS.—A local
2 educational agency that desires to receive a subgrant
3 under this subsection shall submit an application to
4 the State at such time, in such manner, and accom-
5 panied by such information as the State may re-
6 quire.

7 “(3) USE OF SUBGRANT FUNDS.—

8 “(A) IN GENERAL.—

9 “(i) REQUIRED USE.—A local edu-
10 cational agency that receives a subgrant
11 under this subsection shall use the
12 subgrant funds to carry out a program in
13 the elementary schools and secondary
14 schools served by such agency to fund
15 training of school personnel on seizure
16 awareness and preparedness that covers in-
17 dividualized health care plans and individ-
18 ualized emergency health care plans for
19 students who have epilepsy or a seizure
20 disorder.

21 “(ii) PERMISSIVE USES.—A local edu-
22 cational agency that receives a subgrant
23 under this subsection may use the
24 subgrant funds for—

1 “(I) training of school personnel
2 to administer or assist with the ad-
3 ministration of seizure medications;

4 “(II) training and education of
5 students on seizure awareness and
6 preparedness;

7 “(III) recruiting, hiring, and re-
8 taining dedicated compliance staff
9 who are responsible for ensuring that
10 all training and program requirements
11 related to seizure awareness, pre-
12 paredness, and management are con-
13 sistently met; and

14 “(IV) other activities or pro-
15 grams determined appropriate by the
16 Secretary.

17 “(B) INFORMATION INCLUDED.—It is rec-
18 ommended that each individualized health care
19 plan and each individualized emergency health
20 care plan include the following information:

21 “(i) Written orders from the student’s
22 physician or advanced practice nurse out-
23 lining the epilepsy or seizure disorder care.

1 “(ii) The symptoms of the epilepsy or
2 seizure disorder for that particular student
3 and recommended care.

4 “(iii) Full participation in exercise
5 and sports, and any contraindications to
6 exercise, or accommodations that shall be
7 made for that particular student.

8 “(iv) Accommodations for school trips,
9 after-school activities, class parties, and
10 other school-related activities.

11 “(v) Education of all school personnel
12 about epilepsy and seizure disorders, how
13 to recognize and provide care for epilepsy
14 and seizure disorders, and when to call for
15 assistance.

16 “(vi) Medical and treatment issues
17 that may affect the educational process of
18 the student with epilepsy or the seizure
19 disorder.

20 “(vii) The student’s ability to manage,
21 and the student’s level of understanding of,
22 the student’s epilepsy or seizure disorder.

23 “(viii) How to maintain communica-
24 tion with the student, the student’s parent

1 and health care team, the educational
2 staff, and the school nurse.

3 “(C) TRAINING REQUIRED.—

4 “(i) IN GENERAL.—Each local edu-
5 cational agency carrying out a program
6 supported with subgrant funds shall ensure
7 that the school nurse assigned to a par-
8 ticular elementary school or secondary
9 school supported by the program—

10 “(I) coordinates the provision of
11 epilepsy and seizure disorder care at
12 such school; and

13 “(II) ensures that all staff are
14 trained not less often than every 2
15 years in the care of students with epi-
16 lepsy and seizure disorders, including
17 staff working with school-sponsored
18 programs outside of the regular school
19 day, as provided in individualized
20 health care plans and individualized
21 emergency health care plans.

22 “(ii) INSTRUCTION.—The training re-
23 quired under clause (i) shall include a De-
24 partment of Education-approved on-line or
25 in-person course of instruction provided by

1 1 or more nonprofit national organizations
2 that support the welfare of individuals with
3 epilepsy and seizure disorders.

4 “(D) SCHOOL BUS DRIVERS.—Each local
5 educational agency carrying out a program sup-
6 ported with subgrant funds shall ensure that
7 each school bus driver who transports a student
8 with epilepsy or a seizure disorder receives no-
9 tice of the student’s condition, information on
10 how to provide care for epilepsy or the seizure
11 disorder, emergency contact information, epi-
12 lepsy and seizure disorder recognition and first
13 aid training, and parent contact information.

14 “(E) RELEASE.—Each local educational
15 agency carrying out a program supported with
16 subgrant funds shall ensure that the school
17 nurse assigned to a particular elementary
18 school or secondary school supported by the
19 program obtains a release from each parent of
20 a student with epilepsy or a seizure disorder
21 who requests an individualized health care plan
22 or an individualized emergency health care plan,
23 to authorize the sharing of medical information
24 between the student’s physician or advanced
25 practice nurse and other health care providers.

1 “(F) NO LIABILITY.—No school employee,
2 including a school nurse, a school bus driver, a
3 school bus aide, or any other officer or agent of
4 a local educational agency, shall be held liable
5 for any good faith act or omission consistent
6 with the provisions of this section. Good faith
7 shall not include willful misconduct, gross neg-
8 ligence, or recklessness.

9 “(e) SUPPLEMENT; NOT SUPPLANT.—Grant and
10 subgrant funds provided under this section shall be used
11 to supplement, not supplant, other Federal or State funds
12 available to carry out activities described in this section.

13 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
14 is authorized to be appropriated to carry out this section
15 \$34,500,000 for the period of fiscal years 2024 through
16 2028.”.

17 (b) TABLE OF CONTENTS.—The table of contents in
18 section 2 of the Elementary and Secondary Education Act
19 of 1965 is amended by inserting after the item relating
20 to section 4644 the following new items:

“PART G—GRANT PROGRAM TO SUPPORT STUDENTS WHO HAVE EPILEPSY
OR A SEIZURE DISORDER

“Sec. 4701. Grant program to support students who have epilepsy or a seizure
disorder.”.