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DEPARTMENT OF EDUCATION
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PENDER MAKIN
COMMISSIONER

March 31, 2025

Senator Rafferty, Senate Chair
Representative Murphy, House Chair
Members of the Joint Standing Committee on Education and Cultural Affairs

Senator Rafferty, Representative Murphy, and Distinguished Members of the Education and Cultural Affairs Committee:

LD 211, An Act to Make School Safer for Students with Epilepsy and Other Seizure Disorders by Requiring Seizure Action Plans and Training in Schools, would require school administrative units (SAUs) or approved private schools to designate an employee to have the necessary training to administer or assist in the self-administration of seizure rescue medication, beginning in July 2026. Further training requirements are also established for all school staff, as well as seizure education to be provided for all Maine students beginning in the 2026-2027 school year. Furthermore, this bill requires written authorization from parents for a seizure medication to be administered at school, and for parents and the school to collaborate on a seizure action plan.

The US Centers for Disease Control and Prevention (CDC) reports that 0.6% of children aged 0 to 17 are estimated to have seizure conditions. In Maine, according to the School Health Annual Report 2024, there are 1,136 students attending school with a seizure diagnosis. School nurses and staff can be prepared to recognize and treat seizures in the school setting with the awareness that seizures may occur for many reasons including but not limited to infection, fever, traumatic brain injury, neurological disorder, or related to a drug or medication.

Maine DOE has provided [Seizure Management: Guidelines for Maine Schools](#) to supplement other nationally available resources.

If this bill is to move forward in Committee, these are areas we would seek adjustment or additional clarification on:

1. Role of Licensed Healthcare Professionals
 - a. Individual health plans involving seizures should only be created by registered nurses in the school setting in collaboration with the parent and medical provider. The emergency action plan, a sub-document of the health plan, would be created by the medical provider and shared with the staff with legitimate

educational interest in the student as required by FERPA. As written, this bill does not include the registered nurse in the development of the health plans.

- b. For someone without a health care license (teachers, school secretary, e.g.), simply having the training on seizure disorders as listed in this bill does not allow them to administer a medication in a Maine school. They must meet the requirements articulated in the Maine Department of Education's Rule Chapter 40: *Rule for Medication Administration in Maine Schools*.

2. Clarification in Bill Language

- c. The definition of seizure rescue medication may be limiting as written because there are medications that are used "off-label" from what the FDA has approved.
- d. Clarify the requirement of at least one person who has met the training requirements necessary to administer or assist in the self-administration of a seizure rescue medication for schools that do not employ a full-time school nurse or that this is in addition to the school nurse.

3. Chronic Conditions

- e. Requiring an hour long training every year for all school employees sets a precedent for other chronic conditions.
- f. Writing and adopting rules specific to one chronic condition is an unwise precedent to set since there are so many varying conditions that impact a child in their education. What might be a better solution is to ensure every school building has adequate coverage by a qualified registered nurse who can provide education, nursing care, and management needed based on the student population. Alternatively, the Committee could direct the Department to adopt rules on the management of chronic conditions generally.

The Department will be available to provide additional information on LD 211 and respond to any questions during the upcoming work session.

Sincerely,

DocuSigned by:

Emily Poland

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Emily Poland

School Nurse Consultant

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