



LFC Requester: Liu

**PUBLIC EDUCATION DEPARTMENT  
BILL ANALYSIS  
2025 REGULAR SESSION**

**SECTION I: GENERAL INFORMATION**

Check all that apply:

Original  Amendment   
Correction  Substitute

Date Prepared: 02/05 /25  
Bill No: SB246

Sponsor: Pope

**Agency Name and Code:** PED - 924

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**Short Title:** SEIZURE SAFE SCHOOLS ACT

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**SECTION II: FISCAL IMPACT**

(Parenthesis ( ) Indicate Expenditure Decreases)

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		
None	None	N/A	NFA

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY26	FY27	FY28		
None	None	None	N/A	NFA

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	FY26	FY27	FY28	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>	\$1.0	None	None	\$1.0	Nonrecurring	GF

Duplicates/Relates to Appropriation in the General Appropriation Act: N/A

## **SECTION III: NARRATIVE**

### **BILL SUMMARY**

Synopsis: Senate Bill 246 (SB246) would create the Seizure-safe Schools Act. The act would require the Public Education Department (PED) to consult with the Department of Health and New Mexico School Nurses Association in establishing rules for public schools to train personnel on the management of students with seizure disorders.

The bill would require that at least two employees at schools attended by a student with a seizure disorder receive training annually in seizure safety and care. The bill would require a parent who seeks seizure disorder care for a child while at school to submit a seizure action plan (SAP) to be reviewed and implemented by the trained personnel. Each school employee and bus driver responsible for the student's supervision and care would be given notice also of the SAP, and the SAPs would be required to be followed when seizure care was needed, whether during the school day or during school-sponsored activities beyond the school day.

Seizure care personnel would not be required to be health care practitioners, would be exempted from all applicable laws that would restrict them from providing seizure care, and would be immune from liability for acts consistent with the Seizure-safe Schools Act.

The bill does not provide an effective date. Laws go into effect 90 days after the adjournment of the legislature enacting them unless a later date is specified. If enacted, this bill would become effective June 20, 2025.

### **FISCAL IMPLICATIONS**

The bill does not contain an appropriation.

The estimated cost for PED to promulgate rule for the training of personnel at schools is \$1,000.

Training personnel for appropriate seizure care would have an undetermined cost for schools. Approved training courses might also incur additional costs for school districts.

### **SIGNIFICANT ISSUES**

Care for students with a seizure disorder care in New Mexico schools is currently guided by one or more of the following documents:

- a student's Individualized Healthcare Plan (IHP);
- Individualized Education Program (IEP); or
- Section 504 plan.

Each of these plans includes student, parent, and health services staff engagement to support the student's seizure management plan. SB246 would ensure the obligations of school districts under the federal Individuals with Disabilities Act or a Section 504 plan remain in force. The bill does not consider IHPs as they are currently designed to support a medical management plan for seizure disorders.

According to the [Centers for Disease Control and Prevention](#) (CDC), approximately 0.7 percent of children and adolescents 6–17 years of age in the United States have experienced at least one seizure in the past year.

According to the New Mexico Annual School Health Services Report for the 2023-2024 school year, there were 2,268 total seizure diagnoses reports. This number suggests a high likelihood that even mid-sized schools serve one or more students with a seizure disorder.

## **PERFORMANCE IMPLICATIONS**

Without appropriate care available at school or during out-of-school activities, as provided for in SB246, seizures disorders pose direct risk of physical injury or death as well as indirect effects of increased absenteeism, inhibited cognitive functions such as memory and concentration, and emotional effects such as anxiety and stress.

## **ADMINISTRATIVE IMPLICATIONS**

Promulgating rule in consultation with other agencies, as required by SB246, would not impose a substantial administrative burden upon PED.

Training staff for seizure safety annually and notifying staff of SAPs would impose a minor administrative burden on schools.

## **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

- Substantially similar to House Bill 300 ([HB300](#)), which also proposes a Seizure-safe Schools Act.

## **TECHNICAL ISSUES**

The bill's definition of "governing body" would include local school boards of districts and governing bodies of charter schools, whereas throughout Public School Code the convention is to include governing bodies of charter schools under the definition of school board or to explicitly state when provisions of a law apply to one, the other, or both. The sponsor may wish to amend the bill to conform to current conventions in Public School Code to maintain logical consistency.

The definition of "governing body," by including governing bodies of locally chartered charter schools, overlooks the fact that locally chartered charter schools look to their local school board, which is also their authorizer, for oversight, treating them more like state-chartered charter schools than may be appropriate. The sponsor may wish to consider amending the bill so that locally chartered charter schools continue to be guided by their local authorizers in the administration of education to their students.

## **OTHER SUBSTANTIVE ISSUES**

Schools that fail to provide adequate seizure care may face legal liability under disability laws such the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act. These federal laws mandate that educational institutions receiving federal funding must not discriminate against students with disabilities and must provide necessary accommodations to ensure their safety and equal access to education.

**Legal Precedent.** In a notable, recent lawsuit, the parents of 14-year-old Jaxson alleged that Amarillo Independent School District staff failed to administer his prescribed emergency seizure

medication during a prolonged seizure, leading to his death. The lawsuit claimed that the school's inaction [violated Jaxson's Seizure Action Plan](#), which was established under Section 504 to accommodate his epilepsy. The defendant's Motion to Dismiss was denied in October 2024.

## **ALTERNATIVES**

None.

## **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

None.

## **AMENDMENTS**

The bill's sponsor may wish to amend the bill to conform to current conventions in Public School Code thereby improving the accessibility of its language and logic. It is recommended that the sponsor strike Subsection A of Section 2 of the bill, which defines "governing body," and replace "governing body" where it occurs in Sections 3 and 5 of the bill with "local school board or charter school governing body."

The sponsor may also wish to amend the definition of "governing body" to better acknowledge the oversight relationship between locally chartered charter schools and their local schoolboard authorizers.

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