

By: Clardy

H.B. No. 3610

A BILL TO BE ENTITLED

AN ACT

relating to a seizure management and treatment plan for the care to be provided by a public school to a student with a seizure disorder.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Sections 38.032(a) and (b), Education Code, are amended to read as follows:

(a) The parent or guardian of a student with a seizure disorder may seek care for the student's seizures while the student is at school or participating in a school activity by submitting to the school district at which the student is enrolled a copy of a seizure management and treatment plan developed by the student's parent or guardian and the physician responsible for the student's seizure treatment. The plan must be:

(1) on the form adopted under Subsection (b); and

(2) submitted to and reviewed by the district:

(A) [~~(1)~~] before or at the beginning of the school year;

(B) [~~(2)~~] on enrollment of the student, if the student enrolls in the district after the beginning of the school year; or

(C) [~~(3)~~] as soon as practicable following a diagnosis of a seizure disorder for the student.

(b) The agency shall adopt and post on the agency's Internet website a form to be used in submitting a [A] seizure management and

1 treatment plan under this section. The form must request the
2 following information:

3 (1) the student's name and date of birth;

4 (2) the names and contact information of the student's
5 parent or guardian, the physician responsible for the student's
6 seizure treatment, and at least one other emergency contact;

7 (3) any medical history significant to the student's
8 seizure disorder;

9 (4) the type, length, and frequency of the student's
10 seizures;

11 (5) a description of each type of seizure the student
12 has experienced;

13 (6) the student's seizure triggers or warning signs;

14 (7) the student's ability to manage seizures and the
15 student's level of understanding of the seizures;

16 (8) the student's response after a seizure;

17 (9) the basic first aid to be provided to the student
18 during a seizure, including whether the student needs to leave the
19 classroom after a seizure and the process for the student's return
20 to the classroom, if applicable;

21 (10) a description of what constitutes a seizure
22 emergency for the student;

23 (11) a description of seizure emergency protocol for
24 district personnel to follow in the event of a seizure emergency for
25 the student;

26 (12) a treatment protocol for any medications or other
27 procedures to be administered by district personnel to the student

1 during school hours, including:

2 (A) each daily or emergency medication,
3 including:

4 (i) the name and dosage of the medication
5 and the time at which the medication is to be given;

6 (ii) common side effects for the
7 medication; and

8 (iii) any special instructions regarding
9 the medication; and

10 (B) whether the student has a vagus nerve
11 stimulator and, if so, appropriate magnet use for the stimulator;

12 (13) any special considerations or precautions
13 applicable to the student; and

14 (14) the signatures of [~~identify the health care~~
15 ~~services the student may receive at school or while participating~~
16 ~~in a school activity;~~

17 ~~[(2) evaluate the student's ability to manage and level~~
18 ~~of understanding of the student's seizures; and~~

19 ~~[(3) be signed by]~~ the student's parent or guardian and
20 the physician responsible for the student's seizure treatment.

21 SECTION 2. Not later than December 1, 2023, the Texas
22 Education Agency shall adopt and post on the agency's Internet
23 website the form required under Section 38.032(b), Education Code,
24 as amended by this Act.

25 SECTION 3. The change in law made by this Act applies only
26 to a seizure management and treatment plan submitted to a school
27 district on or after January 1, 2024.

1 SECTION 4. This Act takes effect immediately if it receives
2 a vote of two-thirds of all the members elected to each house, as
3 provided by Section 39, Article III, Texas Constitution. If this
4 Act does not receive the vote necessary for immediate effect, this
5 Act takes effect September 1, 2023.