

## **BILL ANALYSIS**

C.S.H.B. 684  
By: Clardy  
Public Education  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

There are concerns that the lack of focused training for school personnel in seizure recognition and related first aid training puts students at risk, particularly those students who have epilepsy and seizure disorders. C.S.H.B. 684 seeks to reduce this risk by providing for the development of a seizure action plan for certain students enrolled in public schools and establishing training requirements for certain school personnel regarding seizure disorders.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Education Agency in SECTION 2 of this bill.

### **ANALYSIS**

C.S.H.B. 684 amends the Education Code to require each public school district and open-enrollment charter school to require any school employee who may have responsibility for the supervision or care of a student with epilepsy or a seizure disorder to complete a seizure training program approved by the Texas Education Agency (TEA) that includes instruction regarding managing students with seizures and includes information about seizure recognition, related first aid, and the administration of seizure rescue medications and medications prescribed to treat seizure disorder symptoms. The bill authorizes a school employee who has completed the program to administer to a student covered by a seizure action plan developed under the bill's provisions a seizure rescue medication or medication prescribed to treat seizure disorder symptoms or to assist the student with self-administration of the medication, as provided under the plan. The bill authorizes TEA to approve a seizure training course for school personnel provided by a nonprofit national foundation that supports the welfare of individuals with epilepsy and seizure disorders, such as the Epilepsy Foundation of America, and requires such a TEA-approved program provided on portable media to be provided by the nonprofit entity free of charge.

C.S.H.B. 684 authorizes a parent of or a person standing in parental relation to a student with epilepsy or a seizure disorder for whom a plan has been created under the federal Rehabilitation Act of 1973 to provide to the district or charter school at which the student is enrolled written authorization for the development of a seizure action plan. The bill requires the written authorization to be provided on a form adopted by TEA and to contain specified information and requires the district or charter school to develop, in collaboration with the person providing the authorization, a seizure action plan that is consistent with the student's plan created under the federal Rehabilitation Act of 1973. The bill authorizes the seizure action plan to provide for a

school employee who has completed the TEA-approved seizure training program to administer or assist the student with self-administration of a medication identified in the written authorization and requires the plan to be renewed at the beginning of each school year. The bill provides for the required maintenance and distribution of the plan by the district or charter school. The bill requires a parent of or person standing in parental relation to a student for whom a seizure action plan is developed to provide the medication identified in the written authorization to the district or charter school in an unopened, sealed package that is clearly labeled by the dispensing pharmacy.

C.S.H.B. 684 establishes that the immunity from liability provided to a professional employee of a school district applies to an action or failure to act by a school employee in administering a medication, assisting with self-administration, or otherwise providing for the care of a student under a seizure action plan. The bill requires TEA to adopt rules as necessary to administer the bill's provisions. The bill's provisions apply beginning with the 2020-2021 school year.

### **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2019.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 684 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute changes the seizure training requirements for school personnel as follows:

- does not include the requirement for a school nurse to complete a TEA-approved online course of instruction for school nurses regarding managing students with seizures and the requirement for a district employee, other than a school nurse, whose duties at the school include regular contact with students to complete a TEA-approved online course of instruction regarding awareness of students with seizures;
- includes requirements for each district and charter school to require any school employee who may have responsibility for the supervision or care of a student with epilepsy or a seizure disorder to complete a seizure training program;
- expands the content of the training to include information about the administration of seizure rescue medications and medications prescribed to treat seizure disorder symptoms;
- includes a requirement for a seizure training program provided on portable media to be free of charge; and
- does not include a deadline for the approval of training courses.

The substitute includes the following:

- provisions relating to the development, maintenance, and distribution of a seizure action plan for certain students with epilepsy or a seizure disorder;
- an authorization for an employee who has completed the seizure training program to administer to a student covered by a seizure action plan a seizure rescue medication or medication prescribed to treat seizure disorder symptoms or to assist the student with self-administration of the medication;
- a requirement for medication provided for an applicable student to be in an unopened, sealed package that is clearly labeled by the dispensing pharmacy; and
- a provision establishing immunity from liability for certain actions or failures to act relating to care of a student under a seizure action plan.

The substitute changes the school year in which the bill's provisions begin to apply from the 2019-2020 school year to the 2020-2021 school year.