

By: Clardy, Middleton, Klick, et al.

H.B. No. 684

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the development of a seizure action plan for certain
3 students enrolled in public schools and training for certain school
4 personnel regarding seizure disorders.

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

6 SECTION 1. This Act may be cited as Sam's Law.

7 SECTION 2. Subchapter A, Chapter 38, Education Code, is
8 amended by adding Section 38.032 to read as follows:

9 Sec. 38.032. SEIZURE ACTION PLAN. (a) Each school district
10 and open-enrollment charter school shall require any school
11 employee who may have responsibility for the supervision or care of
12 a student with epilepsy or a seizure disorder to complete a seizure
13 training program described by Subsection (b). A school employee
14 who has completed the seizure training program may administer to a
15 student covered by a seizure action plan developed under Subsection
16 (d) a seizure rescue medication or medication prescribed to treat
17 seizure disorder symptoms, or may assist the student with
18 self-administration of the medication, as provided under the plan.

19 (b) A school employee described under Subsection (a) must
20 complete an agency-approved seizure training program that includes
21 instruction regarding managing students with seizures and includes
22 information about seizure recognition, related first aid, and the
23 administration of seizure rescue medications and medications
24 prescribed to treat seizure disorder symptoms. The agency may

1 approve, for purposes of this subsection, a seizure training course
2 for school personnel provided by a nonprofit national foundation
3 that supports the welfare of individuals with epilepsy and seizure
4 disorders, such as the Epilepsy Foundation of America. A seizure
5 training program approved by the agency under this subsection that
6 is provided to a school district or open-enrollment charter school
7 on portable media must be provided by the nonprofit entity free of
8 charge.

9 (c) A parent of or a person standing in parental relation to
10 a student with epilepsy or a seizure disorder for whom a plan has
11 been created under Section 504, Rehabilitation Act of 1973 (29
12 U.S.C. Section 794), may provide to the school district or
13 open-enrollment charter school at which the student is enrolled
14 written authorization for the development of a seizure action plan
15 under Subsection (d). The written authorization must be provided
16 on a form adopted by the agency and contain the following
17 information:

18 (1) the student's name;

19 (2) the name and purpose of the medication to be
20 administered or self-administered, which must be a seizure rescue
21 medication or medication for the treatment of seizure disorder
22 symptoms approved for that purpose by the United States Food and
23 Drug Administration and prescribed by the student's physician;

24 (3) the prescribed dosage, route of administration,
25 and frequency with which the medication may be administered under
26 the prescription; and

27 (4) the circumstances under which the medication may

1 be administered.

2 (d) A school district or open-enrollment charter school
3 that receives written authorization under Subsection (c) shall
4 develop, in collaboration with the person providing the
5 authorization, a seizure action plan that is consistent with the
6 student's plan created under Section 504, Rehabilitation Act of
7 1973 (29 U.S.C. Section 794). The seizure action plan may provide
8 for a school employee who has completed the training program
9 described by Subsection (b) to administer or assist the student
10 with self-administration of a medication identified in the written
11 authorization provided under Subsection (c). A seizure action plan
12 developed for a student under this subsection must be renewed at the
13 beginning of each school year.

14 (e) The school district or open-enrollment charter school
15 must:

16 (1) keep a seizure action plan developed for a student
17 enrolled in the district or school on file in the office of a school
18 nurse or school administrator; and

19 (2) distribute a copy of the plan to each school
20 employee described by Subsection (a).

21 (f) A parent of or person standing in parental relation to a
22 student for whom a seizure action plan is developed under
23 Subsection (d) must provide a medication identified in the written
24 authorization described by Subsection (c) to the school district or
25 open-enrollment charter school at which the student is enrolled in
26 an unopened, sealed package that is clearly labeled by the
27 dispensing pharmacy.

1 (g) The immunity from liability provided by Section 22.0511
2 applies to an action or failure to act by a school employee in
3 administering a medication, assisting with self-administration, or
4 otherwise providing for the care of a student under the seizure
5 action plan developed for the student under Subsection (d).

6 (h) The agency shall adopt rules as necessary to administer
7 this section before the beginning of the school year immediately
8 following the effective date of this Act.

9 SECTION 3. The change in law made by this Act applies
10 beginning with the 2020-2021 school year.

11 SECTION 4. This Act takes effect immediately if it receives
12 a vote of two-thirds of all the members elected to each house, as
13 provided by Section 39, Article III, Texas Constitution. If this
14 Act does not receive the vote necessary for immediate effect, this
15 Act takes effect September 1, 2019.