

1-1 By: Clardy, et al. (Senate Sponsor - Hughes) H.B. No. 684  
 1-2 (In the Senate - Received from the House April 16, 2019;  
 1-3 April 17, 2019, read first time and referred to Committee on  
 1-4 Education; May 8, 2019, reported adversely, with favorable  
 1-5 Committee Substitute by the following vote: Yeas 11, Nays 0;  
 1-6 May 8, 2019, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8 Taylor	X			
1-9 Lucio	X			
1-10 Bettencourt	X			
1-11 Campbell	X			
1-12 Fallon	X			
1-13 Hall	X			
1-14 Hughes	X			
1-15 Paxton	X			
1-16 Powell	X			
1-17 Watson	X			
1-18 West	X			

1-20 COMMITTEE SUBSTITUTE FOR H.B. No. 684 By: Hughes

1-21 A BILL TO BE ENTITLED  
 1-22 AN ACT

1-23 relating to the care of students with seizure disorders and the  
 1-24 training requirements for certain school personnel regarding  
 1-25 seizure recognition and related first aid.

1-26 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-27 SECTION 1. This Act may be cited as Sam's Law.

1-28 SECTION 2. Subchapter A, Chapter 38, Education Code, is  
 1-29 amended by adding Sections 38.032, 38.033, and 38.034 to read as  
 1-30 follows:

1-31 Sec. 38.032. SEIZURE MANAGEMENT AND TREATMENT PLAN. (a)  
 1-32 The parent or guardian of a student with a seizure disorder who  
 1-33 seeks care for the student's seizures while the student is at school  
 1-34 or participating in a school activity must submit to the school  
 1-35 district at which the student is enrolled a copy of a seizure  
 1-36 management and treatment plan developed by the student's parent or  
 1-37 guardian and the physician responsible for the student's seizure  
 1-38 treatment. The plan must be submitted to and reviewed by the  
 1-39 district:

- 1-40 (1) before or at the beginning of the school year;
- 1-41 (2) on enrollment of the student, if the student
- 1-42 enrolls in the district after the beginning of the school year; or
- 1-43 (3) as soon as practicable following a diagnosis of a
- 1-44 seizure disorder for the student.

1-45 (b) A seizure management and treatment plan must:

- 1-46 (1) identify the health care services the student may
- 1-47 receive at school or while participating in a school activity;
- 1-48 (2) evaluate the student's ability to manage and level
- 1-49 of understanding of the student's seizures; and
- 1-50 (3) be signed by the student's parent or guardian and
- 1-51 the physician responsible for the student's seizure treatment.

1-52 (c) The care of a student with a seizure disorder by a  
 1-53 district employee under a seizure management plan submitted under  
 1-54 this section is incident to or within the scope of the duties of the  
 1-55 employee's position of employment and involves the exercise of  
 1-56 judgment or discretion on the part of the employee for purposes of  
 1-57 Section 22.0511.

1-58 Sec. 38.033. SEIZURE RECOGNITION AND RELATED FIRST AID  
 1-59 TRAINING. (a) A school nurse employed by a school district must  
 1-60 complete an agency-approved online course of instruction for school

2-1 nurses regarding managing students with seizure disorders that  
2-2 includes information about seizure recognition and related first  
2-3 aid.

2-4 (b) A school district employee, other than a school nurse,  
2-5 whose duties at the school include regular contact with students  
2-6 must complete an agency-approved online course of instruction for  
2-7 school personnel regarding awareness of students with seizure  
2-8 disorders that includes information about seizure recognition and  
2-9 related first aid.

2-10 (c) The agency may approve an online course of instruction  
2-11 provided by a nonprofit national foundation that supports the  
2-12 welfare of individuals with epilepsy and seizure disorders to  
2-13 satisfy the training required under Subsection (a) or (b).

2-14 (d) The agency shall adopt rules as necessary to administer  
2-15 this section.

2-16 Sec. 38.034. UNLICENSED SEIZURE CARE ASSISTANT. (a) At  
2-17 each school district campus at which a student with a seizure  
2-18 disorder is enrolled, the principal shall:

2-19 (1) seek school employees who are not health care  
2-20 professionals to serve as unlicensed seizure care assistants and  
2-21 care for students with seizure disorders; and

2-22 (2) make efforts to ensure that the campus has:

2-23 (A) at least one unlicensed seizure care  
2-24 assistant if a full-time nurse is assigned to the campus; and

2-25 (B) at least three unlicensed seizure care  
2-26 assistants if a full-time nurse is not assigned to the campus.

2-27 (b) An unlicensed seizure care assistant shall serve under  
2-28 the supervision of the principal.

2-29 (c) A school employee may not be subject to any penalty or  
2-30 disciplinary action for refusing to serve as an unlicensed seizure  
2-31 care assistant.

2-32 (d) The care of a student with a seizure disorder by a school  
2-33 employee who is serving as an unlicensed seizure care assistant is  
2-34 incident to or within the scope of the duties of the employee's  
2-35 position of employment and involves the exercise of judgment or  
2-36 discretion on the part of the employee for purposes of Section  
2-37 22.0511.

2-38 (e) A school nurse is not responsible for and may not be  
2-39 subject to disciplinary action under Chapter 301, Occupations Code,  
2-40 for actions performed by an unlicensed seizure care assistant.

2-41 SECTION 3. Not later than December 1, 2019, the Texas  
2-42 Education Agency shall approve online courses of instruction to  
2-43 satisfy the training requirements of Section 38.033, Education  
2-44 Code, as added by this Act.

2-45 SECTION 4. The change in law made by this Act applies  
2-46 beginning with the 2019-2020 school year.

2-47 SECTION 5. This Act takes effect immediately if it receives  
2-48 a vote of two-thirds of all the members elected to each house, as  
2-49 provided by Section 39, Article III, Texas Constitution. If this  
2-50 Act does not receive the vote necessary for immediate effect, this  
2-51 Act takes effect September 1, 2019.

2-52 \* \* \* \* \*