

**House Bill 684**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

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

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

Sec. 38.032. SEIZURE ACTION PLAN. (a) Each school district and open-enrollment charter school shall 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 described by Subsection (b). A school employee who has completed the seizure training program may administer to a student covered by a seizure action plan developed under Subsection (d) a seizure rescue medication or medication prescribed to treat seizure disorder symptoms, or may assist the student with self-administration of the medication, as provided under the plan.

SENATE VERSION (CS)

SECTION 1. Same as House version.

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

Sec. 38.032. SEIZURE MANAGEMENT AND TREATMENT PLAN. (a) The parent or guardian of a student with a seizure disorder who seeks care for the student's seizures while the student is at school or participating in a school activity must submit 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 submitted to and reviewed by the district:

(1) before or at the beginning of the school year;

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

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

(b) A seizure management and treatment plan must:

(1) identify the health care services the student may receive at school or while participating in a school activity;

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

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

(c) The care of a student with a seizure disorder by a district employee under a seizure management plan submitted under this section is incident to or within the scope of the duties of

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(b) A school employee described under Subsection (a) must complete an agency-approved seizure training program 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 agency may approve, for purposes of this subsection, 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. A seizure training program approved by the agency under this subsection that is provided to a school district or open-enrollment charter school on portable media must be provided by the nonprofit entity free of charge.

(c) 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 Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), may provide to the school district or open-enrollment charter school at which the student is enrolled written authorization for the development of a seizure action plan under Subsection (d). The written

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the employee's position of employment and involves the exercise of judgment or discretion on the part of the employee for purposes of Section 22.0511.

Sec. 38.033. SEIZURE RECOGNITION AND RELATED FIRST AID TRAINING. (a) A school nurse employed by a school district must complete an agency-approved online course of instruction for school nurses regarding managing students with seizure disorders that includes information about seizure recognition and related first aid.

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

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

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authorization must be provided on a form adopted by the agency and contain the following information:

(1) the student's name;

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

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

(4) the circumstances under which the medication may be administered.

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

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

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

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

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

(g) The immunity from liability provided by Section 22.0511 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 the seizure action plan developed for the student under Subsection (d).

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

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(d) The agency shall adopt rules as necessary to administer this section.

Sec. 38.034. UNLICENSED SEIZURE CARE ASSISTANT.

(a) At each school district campus at which a student with a seizure disorder is enrolled, the principal shall:

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

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

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

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

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

(c) A school employee may not be subject to any penalty or

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disciplinary action for refusing to serve as an unlicensed seizure care assistant.

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

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

No equivalent provision.

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

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

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

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

SECTION 5. Same as House version.