

CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

5/25/19
Date

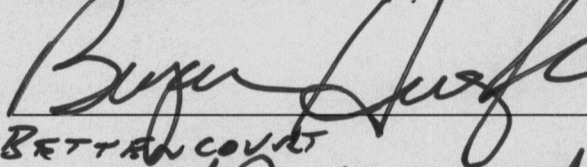
Honorable Dan Patrick
President of the Senate

Honorable Dennis Bonnen
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on HB 684 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

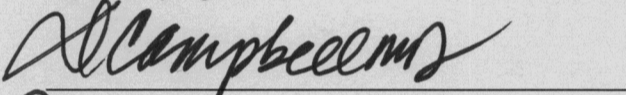
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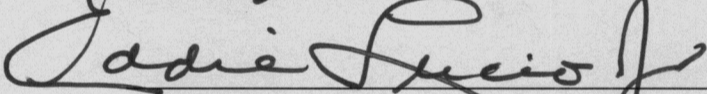
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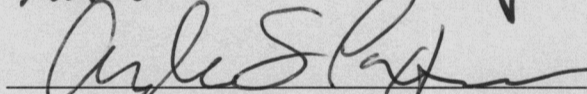
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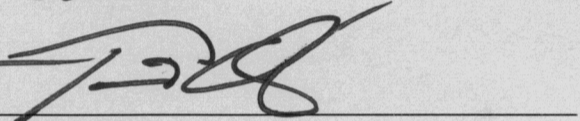


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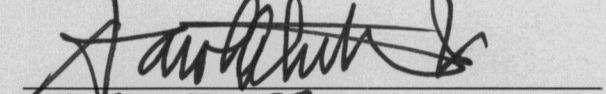


On the part of the Senate

CLARY



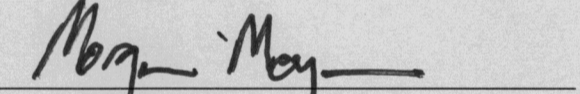
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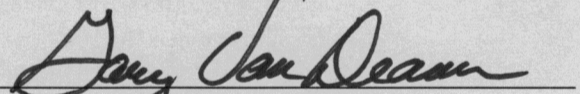
M GONZALEZ



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On the part of the House

Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.

CONFERENCE COMMITTEE REPORT

3rd Printing

H.B. No. 684

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the care of students with seizure disorders and the
3 training requirements for certain school personnel regarding
4 seizure recognition and related first aid.

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 Sections 38.032 and 38.033 to read as follows:

9 Sec. 38.032. SEIZURE MANAGEMENT AND TREATMENT PLAN. (a)

10 The parent or guardian of a student with a seizure disorder may seek
11 care for the student's seizures while the student is at school or
12 participating in a school activity by submitting to the school
13 district at which the student is enrolled a copy of a seizure
14 management and treatment plan developed by the student's parent or
15 guardian and the physician responsible for the student's seizure
16 treatment. The plan must be submitted to and reviewed by the
17 district:

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

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

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

23 (b) A seizure management and treatment plan must:

24 (1) identify the health care services the student may

1 receive at school or while participating in a school activity;

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

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

6 (c) The care of a student with a seizure disorder by a
7 district employee under a seizure management plan submitted under
8 this section is incident to or within the scope of the duties of the
9 employee's position of employment and involves the exercise of
10 judgment or discretion on the part of the employee for purposes of
11 Section 22.0511.

12 (d) The immunity from liability provided by Section 22.0511
13 applies to an action or failure to act by a district employee in
14 administering a medication, assisting with self-administration, or
15 otherwise providing for the care of a student under a seizure
16 management plan submitted for the student under Subsection (a).

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

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

1 related first aid.

2 (c) The agency may approve an online course of instruction
3 provided by a nonprofit national foundation that supports the
4 welfare of individuals with epilepsy and seizure disorders to
5 satisfy the training required under Subsection (a) or (b). An
6 online course of instruction approved by the agency under this
7 subsection that is provided to a school district must be provided by
8 the nonprofit entity free of charge.

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

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

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

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

House Bill 684
Conference Committee Report
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.

No equivalent provision. (But see Sec. 38.032 above.)

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:

No equivalent provision. (But see Sec. 38.032 below.)

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

CONFERENCE

SECTION 1. Same as House version.

SECTION 2. Same as Senate version except as follows:

Same as Senate version.

Sec. 38.032. SEIZURE MANAGEMENT AND TREATMENT PLAN. (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 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

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Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (CS)

CONFERENCE

(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 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.

(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 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.

(d) The immunity from liability provided by Section 22.0511 applies to an action or failure to act by a district employee in administering a medication, assisting with self-administration, or otherwise providing for the care of a student under a seizure management plan submitted for the student under Subsection (a).

(The conference committee may have exceeded the limitations imposed on its jurisdiction, but only the presiding officer can make the final determination on this issue.)

No equivalent provision.

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.

Sec. 38.033. (a) Same as Senate version.

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HOUSE VERSION

(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 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

SENATE VERSION (CS)

(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).*

CONFERENCE

(b) Same as Senate version.

(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). *An online course of instruction approved by the agency under this subsection that is provided to a school district must be provided by the nonprofit entity free of charge.*

(The conference committee may have exceeded the limitations imposed on its jurisdiction, but only the presiding officer can make the final determination on this issue.)

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Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (CS)

CONFERENCE

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

(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

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HOUSE VERSION

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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.

No equivalent provision.

No equivalent provision.

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

SECTION 4. Effective date.

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

Sec. 38.034. UNLICENSED SEIZURE CARE ASSISTANT.

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

SECTION 5. Same as House version.

(d) Same as Senate version.

Same as House version.

SECTION 3. Same as Senate version.

SECTION 4. Same as Senate version.

SECTION 5. Same as House version.

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

May 25, 2019

TO: Honorable Dan Patrick, Lieutenant Governor, Senate
Honorable Dennis Bonnen, Speaker of the House, House of Representatives

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB684 by Clardy (Relating to the care of students with seizure disorders and the training requirements for certain school personnel regarding seizure recognition and related first aid.), **Conference Committee Report**

<p>No significant fiscal implication to the State is anticipated.</p>
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It is assumed that the provisions of the bill relating to the care of students with seizure disorders and the training requirements for certain school personnel regarding seizure recognition and related first aid could be absorbed using existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 701 Texas Education Agency

LBB Staff: WP, CPa, SD, ASa, HL, AM

**Certification of Compliance with
Rule 13, Section 6(b), House Rules of Procedure**

Rule 13, Section 6(b), House Rules of Procedure, requires a copy of a conference committee report signed by a majority of each committee of the conference to be furnished to each member of the committee in person or, if unable to deliver in person, by placing a copy in the member's newspaper mailbox at least one hour before the report is furnished to each member of the house under House Rule 13, Section 10(a). The paper copies of the report submitted to the chief clerk under Rule 13, Section 10(b), must contain a certificate that the requirement of Rule 13, Section 6(b), has been satisfied, and that certificate must be attached to the copy of the report furnished to each member under Rule 13, Section 10(d). Failure to comply with this requirement is not subject to a point of order under Rule 13.

I certify that a copy of the conference committee report on HB 684 was furnished to each member of the conference committee in compliance with Rule 13, Section 6(b), House Rules of Procedure, before submission of the paper copies of the report to the chief clerk under Rule 13, Section 10(b), House Rules of Procedure.



(name)

5/25/19

(date)