

BILL ANALYSIS

Senate Research Center

H.B. 684
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Education
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

According to the Centers for Disease Control and Prevention, 47,200 children in Texas are estimated to have active epilepsy. One of those students was Samantha "Sam" Watkins of Kilgore, Texas. She was a member of the National Honor Society and Kilgore High School's soccer team. She died of a massive seizure in December 2016, and family and friends have since used her tremendous loss as motivation to better inform and equip school personnel with the necessary training to recognize and respond to seizures.

H.B. 684, or Sam's Law, requires school personnel with regular contact with students to complete online training approved by the Texas Education Agency regarding awareness of students with seizures and related information about seizure recognition and related first aid. School nurses would be required to undergo more thorough online training to help students with seizures. The Epilepsy Foundation has well-developed programs to assist school personnel and would make the online course material available free of charge. School personnel in general would participate in an online course of roughly 30 minutes in duration, while the online course for nurses would be approximately two hours. The training received under H.B. 684 would help ensure that the almost 50,000 children in Texas with active epilepsy receive the best possible care while at school.

H.B. 684 amends current law relating to the development of a seizure action plan for certain students enrolled in public schools and training for certain school personnel regarding seizure disorders.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Education Agency in SECTION 2 (Section 38.032, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Authorizes this Act to be cited as Sam's Law.

SECTION 2. Amends Subchapter A, Chapter 38, Education Code, by adding Section 38.032, as follows:

Sec. 38.032. SEIZURE ACTION PLAN. (a) Requires each 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 described by Subsection (b). Authorizes a school employee who has completed the seizure training program to 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 to assist the student with self-administration of the medication, as provided under the plan.

(b) Requires a school employee described under Subsection (a) to 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. Authorizes the Texas Education Agency (TEA) to 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. Requires a seizure training program approved by TEA under this subsection that is provided to a school district or open-enrollment charter school on portable media to be provided by the nonprofit entity free of charge.

(c) 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 Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), to 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). Requires the written authorization to be provided on a form adopted by TEA 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 is required to 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) Requires a school district or open-enrollment charter school that receives written authorization under Subsection (c) to 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). Authorizes the seizure action plan to 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). Requires a seizure action plan developed for a student under this subsection to be renewed at the beginning of each school year.

(e) Requires the school district or open-enrollment charter school to:

(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) Requires a parent of or person standing in parental relation to a student for whom a seizure action plan is developed under Subsection (d) to 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) Provides that 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) Requires TEA to adopt rules as necessary to administer this section before the beginning of the school year immediately following the effective date of this Act.

SECTION 3. Provides that the change in law made by this Act applies beginning with the 2020–2021 school year.

SECTION 4. Effective date: upon passage or September 1, 2019.