

## **BILL ANALYSIS**

Senate Research Center  
86R30767 GCB-D

C.S.H.B. 684  
By: Clardy et al. (Hughes)  
Education  
5/6/2019  
Committee Report (Substituted)

### **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. (Original Author's/Sponsor's Statement of Intent)

C.S.H.B. 684 amends current law relating to the care of students with seizure disorders and the training requirements for certain school personnel regarding seizure recognition and related first aid.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Texas Education Agency in SECTION 2 (Section 38.033, 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 Sections 38.032, 38.033, and 38.034, as follows:

Sec. 38.032. SEIZURE MANAGEMENT AND TREATMENT PLAN. (a) Requires 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 to submit to the school district at which the student is enrolled a copy of the seizure management and treatment plan developed by the student's parent or guardian and the physician responsible for the student's seizure treatment. Requires the plan to 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) Requires a seizure management and treatment plan to:

(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) Provides that 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 (Immunity From Liability).

Sec. 38.033. SEIZURE RECOGNITION AND RELATED FIRST AID TRAINING. (a) Requires a school nurse employed by a school district to complete a Texas Education Agency (TEA)-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) Requires a school district employee, other than a school nurse, whose duties at the school include regular contact with students to complete a TEA-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) Authorizes TEA to 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).

(d) Requires TEA to adopt rules as necessary to administer this section.

Sec. 38.034. UNLICENSED SEIZURE CARE ASSISTANT. (a) Requires the principal, at each school district campus at which a student with a seizure disorder is enrolled, to:

(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) Requires an unlicensed seizure care assistant to serve under the supervision of the principal.

(c) Prohibits a school employee from being subject to any penalty or disciplinary action for refusing to serve as an unlicensed seizure care assistant.

(d) Provides that 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) Provides that a school nurse is not responsible for and is prohibited from being subject to disciplinary action under Chapter 301 (Nurses), Occupations Code, for actions performed by an unlicensed seizure care assistant.

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

SECTION 4. Provides that the change in law made by this Act applies beginning with the 2019–2020 school year.

SECTION 5. Effective date: upon passage or September 1, 2019.