

Chapter 1039

H.B. No. 684

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.

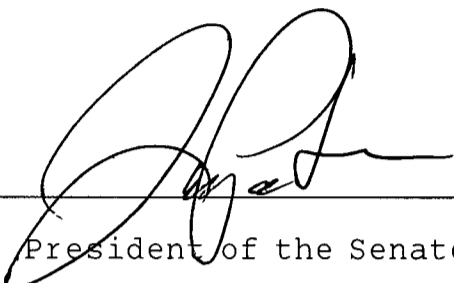
9 (d) The agency shall adopt rules as necessary to administer
10 this section.

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.

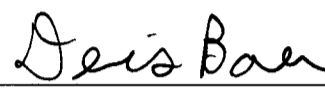
15 SECTION 4. The change in law made by this Act applies
16 beginning with the 2019-2020 school year.

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.

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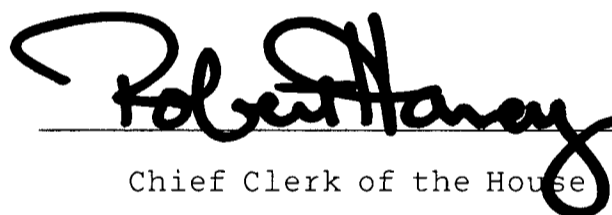


President of the Senate

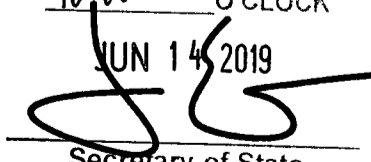


Speaker of the House

I certify that H.B. No. 684 was passed by the House on April 16, 2019, by the following vote: Yeas 144, Nays 0, 2 present, not voting; that the House refused to concur in Senate amendments to H.B. No. 684 on May 22, 2019, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 684 on May 26, 2019, by the following vote: Yeas 143, Nays 0, 2 present, not voting.



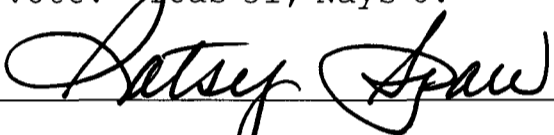
Chief Clerk of the House

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
10:00 am O'CLOCK
JUN 14 2019


Secretary of State

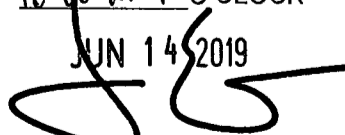
H.B. No. 684

I certify that H.B. No. 684 was passed by the Senate, with amendments, on May 14, 2019, by the following vote: Yeas 31, Nays 0; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 684 on May 26, 2019, by the following vote: Yeas 31, Nays 0.


Secretary of the Senate

APPROVED: 6-10-2019
Date


Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
10:00 AM O'CLOCK
JUN 14 2019

Secretary of State