



SENATE BILL 354: Sam's Law.

**This Bill Analysis
reflects the contents
of the bill as it was
presented in
committee.**

2019-2020 General Assembly

Committee:	House Education - K-12. If favorable, re-refer to Rules, Calendar, and Operations of the House	Date:	June 25, 2019
Introduced by:	Sens. Ballard, Edwards, Harrington	Prepared by:	Drupti Chauhan
Analysis of:	PCS to Second Edition S354-CSRQ-16		Committee Counsel

OVERVIEW: *The Proposed Committee Substitute for Senate Bill 354 would delete all of the contents of the bill and replace with the contents of House Bill 955, Sam's Law.*

BILL ANALYSIS: The Proposed Committee Substitute (PCS) for Senate Bill 354 would require seizure action plans for students who have seizure disorders and training for school employees on how to assist and provide medication to these students.

Seizure Action Plan: The parent of a student with a seizure disorder can petition the student's school, whether it be a public school (including charter schools, regional schools and schools operated by The University of North Carolina) or a private school (including church schools, schools of religious charter, or qualified nonpublic schools) for the development of a seizure action plan. The school must keep each seizure action plan on file in the office of a school administrator or school nurse and may make the plan available to any school personnel and, if the parent agrees, volunteers that supervise the student. The parents and schools must develop the seizure action plan in accordance with the policies and procedures developed by the governing body of the school (such as a local board of education or a board of directors).

The plan must include the following:

- A written statement from the student's health care provider that includes information on any prescribed seizure medication, the dosage and administration of the medication, and the symptoms that necessitate the administration of the medication.
- A written statement from the parent indicating whether trained school personnel or volunteers are permitted to administer the medication.
- If the parent allows school personnel or volunteers to administer the medication, the parent must provide the school with at least one, unopened dosage of the medication with an intact pharmaceutical label.
- A requirement that the school store the medication in a safe and secure location accessible by the trained school personnel and volunteers.

School Employee Training and Administration of Seizure Medication: Each school (public and private) must ensure that at least one school employee is trained to administer or assist with the self-administration of seizure medication. The governing body of the school must adopt minimum training requirements which are consistent with the guidelines established by the Epilepsy Foundation of America.

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Seizure Education Program for School Employees: The governing body of each public school must adopt a policy that outlines the requirements of seizure education program for all school personnel that have direct contact with students in grades K-12. The seizure education program must be administered annually in each public school and meet the following requirements:

- Provide instructions in administering seizure medications.
- Educate on the signs and symptoms of seizures and how to respond.
- Be consistent with guidelines established with the Epilepsy Foundation of America.

Self-Study Requirement for School Employees: The governing body of each school (public and private) must:

- Adopt a policy that requires all principals, guidance counselors, and teachers to complete at least one hour of self-study review of seizure disorder materials each school year.
- Select the materials for the self-study.

Informational Poster: The governing body of each school (public and private) must ensure that an informational display on seizure first aid is posted in at least one visible, high-traffic area in each school.

Limitation on Liability: No governing body of any school, nor its members, employees, designees, agents, or volunteers are liable in civil damages to any party for any act authorized by the new statute or for any omission related to that act, unless the act or omission amounts to gross negligence, wanton conduct, or intentional wrongdoing.

Adoption of Rules and Policies:

- The State Board of Education must adopt rules for all schools operated under its control regarding seizures and the requirements of this bill.
- Local boards of education must adopt policies regarding seizures, the requirements of this bill, and the rules adopted by the State Board of Education.
- Charter schools must adopt policies regarding seizures, the requirements of this bill, and the rules adopted by the State Board of Education.
- Regional schools must adopt policies regarding seizures, the requirements of this bill, and the rules adopted by the State Board of Education.
- The Board of Governors of The University of North Carolina must adopt policies for schools under its control regarding seizures, the requirements of this bill, and the rules adopted by the State Board of Education.
- Private church schools or schools of religious charter must adopt policies regarding seizures and the requirements of this bill.
- Qualified nonpublic schools must adopt policies regarding seizures and the requirements of this bill.

EFFECTIVE DATE: The bill becomes effective when it becomes law and applies beginning with the 2020-2021 school year.