

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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SENATE BILL 354
Education/Higher Education Committee Substitute Adopted 5/6/19
PROPOSED HOUSE COMMITTEE SUBSTITUTE S354-PCS15372-RQ-16

Short Title: Sam's Law.

(Public)

Sponsors:

Referred to:

March 26, 2019

1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO SEIZURE DISORDERS IN SCHOOLS.
3 The General Assembly of North Carolina enacts:

4 **SECTION 1.** This act shall be known as the "Seizure Safe Schools Act of 2019" or
5 "Sam's Law" and may be cited by those names.

6 **SECTION 2.** Article 25A of Chapter 115C of the General Statutes is amended by
7 adding a new section to read:

8 "**§ 115C-375.7. Seizures.**

9 (a) Definitions. – For purposes of this section, the following definitions shall apply:

10 (1) Parent. – A parent, legal guardian, or legal custodian of a student.

11 (2) Public school unit. – Any of the following:

12 a. A local school administrative unit.

13 b. A charter school.

14 c. A regional school.

15 d. A school providing elementary or secondary instruction operated by
16 one of the following:

17 1. The State Board of Education, including schools operated
18 under Article 7A and Article 9C of this Chapter.

19 2. The University of North Carolina, including schools operated
20 under Article 4, Article 29, and Article 29A of Chapter 116 of
21 the General Statutes.

22 (3) School. – A school within a public school unit or a school that meets the
23 requirements of Part 1 or Part 2 of Article 39 of this Chapter.

24 (4) Seizure action plan. – A written, individualized health plan between a school
25 and the parent of a student in the school who is diagnosed with a seizure
26 disorder. The plan acknowledges the health care needs of the student, prepares
27 both parties to meet those needs, and applies over the course of a school year.

28 (b) Seizure Action Plan. – The parent of any student may petition a school for the
29 development of a seizure action plan if the student is (i) diagnosed with a seizure disorder and
30 (ii) enrolled in the school. The school shall keep each seizure action plan on file in the office of
31 a school administrator or school nurse employed by the public school unit or school and make
32 the plan available to any school personnel and, with the permission of the student's parent, any
33 volunteer responsible for the supervision of the student. The parent and the school shall develop
34 the seizure action plan in accordance with policies and procedures developed by the governing
35 body of the school. At a minimum, the plan shall include the following components:



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- 1 (1) A written statement from the student's health care provider with all of the
2 following information:
3 a. The student's name.
4 b. Any seizure medication prescribed to the student.
5 c. The dosage and method of administering the seizure medication.
6 d. The frequency of administration of the seizure medication.
7 e. The symptoms necessitating administration of the seizure medication.
8 (2) A written statement from the parent indicating whether trained school
9 personnel or volunteers are permitted to administer the seizure medication to
10 the student in the applicable school year. This permission shall be renewed in
11 each subsequent school year the student attends the school.
12 (3) If the written statement permits trained school personnel or volunteers to
13 administer the seizure medication to the student, the written statement shall
14 require that the parent will provide the school with at least one unopened
15 dosage of the medication with an intact pharmaceutical label.
16 (4) A requirement that the school shall store the medication in a safe and secure
17 location accessible only by school personnel or volunteers with training to
18 administer seizure medication in accordance with subsection (c) of this
19 section.

20 (c) Employee Training and Administration of Seizure Medication. – Each school shall
21 ensure that at least one employee in the school is trained to administer or assist with the
22 self-administration of any seizure medication provided to the school pursuant to subsection (b)
23 of this section. The governing body of each school shall adopt minimum training requirements
24 for these employees and for any volunteer that may supervise students with seizure disorders if
25 the volunteer elects to receive the training. The training requirements shall be consistent with
26 training guidelines established by the Epilepsy Foundation of America, Inc., or its successor.

27 (d) Seizure Education Program. – The governing body of each public school unit shall
28 adopt a policy outlining the requirements of a seizure education program for all school personnel
29 having direct contact with students in grades kindergarten through 12. The seizure education
30 program shall be administered on an annual basis in each public school unit and, at a minimum,
31 meet the following requirements:

- 32 (1) Provide instructions in administering seizure medications.
33 (2) Educate on the signs and symptoms of seizures and the appropriate steps to be
34 taken to respond to symptoms of a seizure.
35 (3) Be consistent with guidelines established by the Epilepsy Foundation of
36 America, Inc., or its successor.

37 (e) Self-Study Requirement. – The governing body of each school shall adopt a policy
38 requiring all principals, guidance counselors, and teachers to complete at least one hour of
39 self-study review of seizure disorder materials each school year. The governing body of each
40 school shall select the materials for study in accordance with current practices and standards.

41 (f) Informational Poster. – The governing body of each school shall ensure that an
42 informational display on seizure first aid is posted in at least one visible, high-traffic area in each
43 school.

44 (g) Limitation on Liability. – No governing body of any school, nor its members,
45 employees, designees, agents, or volunteers, shall be liable in civil damages to any party for any
46 act authorized by this section or for any omission relating to that act, unless that act or omission
47 amounts to gross negligence, wanton conduct, or intentional wrongdoing."

48 **SECTION 3.(a)** G.S. 115C-12 is amended by adding a new subdivision to read:

49 "(47) Duty Regarding Seizures. – The State Board of Education shall adopt a rule
50 regarding seizures in accordance with G.S. 115C-375.7 for all schools
51 operated under the control of the State Board of Education."

1 **SECTION 3.(b)** G.S. 115C-47 is amended by adding a new subdivision to read:
2 "(64) Duty Regarding Seizures. – Each local board of education shall adopt a policy
3 regarding seizures in accordance with G.S. 115C-375.7 and the rule adopted
4 by the State Board of Education pursuant to G.S. 115C-12(47)."

5 **SECTION 3.(c)** G.S. 115C-218.75 is amended by adding a new subsection to read:
6 "(g) Seizure Policy. – A charter school shall adopt a policy regarding seizures in
7 accordance with G.S. 115C-375.7 and the rule adopted by the State Board of Education pursuant
8 to G.S. 115C-12(47)"

9 **SECTION 3.(d)** G.S. 115C-238.66 is amended by adding a new subdivision to read:
10 "(14) Seizure policy. – A regional school shall adopt a policy regarding seizures in
11 accordance with G.S. 115C-375.7 and the rule adopted by the State Board of
12 Education pursuant to G.S. 115C-12(47)."

13 **SECTION 3.(e)** G.S. 116-11 is amended by adding a new subdivision to read:
14 "(12f) The Board of Governors shall adopt a policy regarding seizures in accordance
15 with G.S. 115C-375.7 for all public school units, as defined in that section,
16 operated under the control of the Board of Governors and the rule adopted by
17 the State Board of Education pursuant to G.S. 115C-12(47)."

18 **SECTION 3.(f)** Article 39 of Chapter 115C of the General Statutes is amended by
19 adding two new sections to read:

20 "**§ 115C-548.5. Seizure policy.**

21 Each private church school or school of religious charter shall adopt a policy regarding
22 seizures in accordance with G.S. 115C-375.7.

23 ...

24 "**§ 115C-556.5. Seizure policy.**

25 Each qualified nonpublic school shall adopt a policy regarding seizures in accordance with
26 G.S. 115C-375.7."

27 **SECTION 3.(g)** G.S. 115C-564 reads as rewritten:

28 "**§ 115C-564. Qualifications and requirements.**

29 A home school shall make the election to operate under the qualifications of either Part 1 or
30 Part 2 of this Article and shall meet the requirements of the Part elected, except that any
31 requirement related to safety and sanitation inspections shall be waived if the school operates in
32 a private residence and except that testing requirements in G.S. 115C-549 and G.S. 115C-557
33 shall be on an annual basis. A home school also shall be exempt from the requirements of
34 G.S. 115C-375.7. The persons providing academic instruction in a home school shall hold at least
35 a high school diploma or its equivalent."

36 **SECTION 4.** If House Bill 57, 2019 Regular Session, becomes law, then
37 G.S. 115C-375.7(a)(2), as enacted by this act, is repealed.

38 **SECTION 5.** This act is effective when it becomes law and applies beginning with
39 the 2020-2021 school year.