GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

SENATE BILL 354
Education/Higher Education Committee Substitute Adopted 5/6/19
House Committee Substitute Favorable 6/25/19

Short Title: Sam's Law. (Public)

Sponsors:

Referred to:

March 26, 2019

A BILL TO BE ENTITLED
AN ACT RELATING TO SEIZURE DISORDERS IN SCHOOLS.

The General Assembly of North Carolina enacts:

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

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

"§ 115C-375.7. Seizures.

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

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

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

a. A local school administrative unit.

b. A charter school.

c. A regional school.

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

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

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

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

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

(b) Seizure Action Plan. – The parent of any student may petition a school for the development of a seizure action plan if the student is (i) diagnosed with a seizure disorder and (ii) enrolled in the school. The school shall keep each seizure action plan on file in the office of a school administrator or school nurse employed by the public school unit or school and make the plan available to any school personnel and, with the permission of the student's parent, any volunteer responsible for the supervision of the student. The parent and the school shall develop the seizure action plan in accordance with policies and procedures developed by the governing body of the school. At a minimum, the plan shall include the following components:
(1) A written statement from the student’s health care provider with all of the following information:
   a. The student’s name.
   b. Any seizure medication prescribed to the student.
   c. The dosage and method of administering the seizure medication.
   d. The frequency of administration of the seizure medication.
   e. The symptoms necessitating administration of the seizure medication.

(2) A written statement from the parent indicating whether trained school personnel or volunteers are permitted to administer the seizure medication to the student in the applicable school year. This permission shall be renewed in each subsequent school year the student attends the school.

(3) If the written statement permits trained school personnel or volunteers to administer the seizure medication to the student, the written statement shall require that the parent will provide the school with at least one unopened dosage of the medication with an intact pharmaceutical label.

(4) A requirement that the school shall store the medication in a safe and secure location accessible only by school personnel or volunteers with training to administer seizure medication in accordance with subsection (c) of this section.

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

(d) Seizure Education Program. – The governing body of each public school unit shall adopt a policy outlining the requirements of a seizure education program for all school personnel having direct contact with students in grades kindergarten through 12. The seizure education program shall be administered on an annual basis in each public school unit and, at a minimum, meet the following requirements:
   (1) Provide instructions in administering seizure medications.
   (2) Educate on the signs and symptoms of seizures and the appropriate steps to be taken to respond to symptoms of a seizure.
   (3) Be consistent with guidelines established by the Epilepsy Foundation of America, Inc., or its successor.

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

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

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

SECTION 3.(a) G.S. 115C-12 is amended by adding a new subdivision to read:
"(47) Duty Regarding Seizures. – The State Board of Education shall adopt a rule regarding seizures in accordance with G.S. 115C-375.7 for all schools operated under the control of the State Board of Education."
SECTION 3.(b) G.S. 115C-47 is amended by adding a new subdivision to read:

"(64) Duty Regarding Seizures. – Each local board of education shall adopt a policy regarding seizures in accordance with G.S. 115C-375.7 and the rule adopted by the State Board of Education pursuant to G.S. 115C-12(47)."

SECTION 3.(c) G.S. 115C-218.75 is amended by adding a new subsection to read:

"(g) Seizure Policy. – A charter school shall adopt a policy regarding seizures in accordance with G.S. 115C-375.7 and the rule adopted by the State Board of Education pursuant to G.S. 115C-12(47)."

SECTION 3.(d) G.S. 115C-238.66 is amended by adding a new subdivision to read:

"(14) Seizure policy. – A regional school shall adopt a policy regarding seizures in accordance with G.S. 115C-375.7 and the rule adopted by the State Board of Education pursuant to G.S. 115C-12(47)."

SECTION 3.(e) G.S. 116-11 is amended by adding a new subdivision to read:

"(12f) The Board of Governors shall adopt a policy regarding seizures in accordance with G.S. 115C-375.7 for all public school units, as defined in that section, operated under the control of the Board of Governors and the rule adopted by the State Board of Education pursuant to G.S. 115C-12(47)."

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

"§ 115C-548.5. Seizure policy.
Each private church school or school of religious charter shall adopt a policy regarding seizures in accordance with G.S. 115C-375.7.

§ 115C-556.5. Seizure policy.
Each qualified nonpublic school shall adopt a policy regarding seizures in accordance with G.S. 115C-375.7."

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

"§ 115C-564. Qualifications and requirements.
A home school shall make the election to operate under the qualifications of either Part 1 or Part 2 of this Article and shall meet the requirements of the Part elected, except that any requirement related to safety and sanitation inspections shall be waived if the school operates in a private residence and except that testing requirements in G.S. 115C-549 and G.S. 115C-557 shall be on an annual basis. A home school also shall be exempt from the requirements of G.S. 115C-375.7. The persons providing academic instruction in a home school shall hold at least a high school diploma or its equivalent."

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

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