



SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE
STATEMENT OF ESTIMATED FISCAL IMPACT
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This fiscal impact statement is produced in compliance with the South Carolina Code of Laws and House and Senate rules. The focus of the analysis is on governmental expenditure and revenue impacts and may not provide a comprehensive summary of the legislation.

Bill Number:	H. 3309	Amended by House Education and Public Works on January 23, 2024
Author:	Gilliam	
Subject:	Seizure Safe Schools Act	
Requestor:	House Education and Public Works	
RFA Analyst(s):	Wren	
Impact Date:	January 24, 2024	

Fiscal Impact Summary

This bill requires each school district and charter school to adopt a seizure training program to provide instruction in understanding the basics about epilepsy and its impact on student learning, recognizing signs and symptoms of seizures, the appropriate steps to be taken to respond to symptoms of a seizure, and the administration of seizure medications. The bill also amends Section 59-63-80 dealing with individual health care plans for students to include definitions for emergency action plan (EAP) and seizure action plan (SAP). Additionally, the bill requires the S.C. Department of Education (SCDE) to develop additional guidelines for a student individual health care plan to address EAP's and SAP's. Finally, the bill specifies that a school district and its employees and agents are not liable for an injury arising from administration of medication authorized by an individual health plan and the parent or guardian must indemnify and hold harmless the district and its employees and agents against a claim arising from administration of medication authorized by an individual health plan. The bill takes effect July 1, 2025.

This bill will have no expenditure impact on SCDE since any expenses to implement the provisions of the bill can be managed within existing appropriations.

This bill will have no expenditure impact on the state agency schools. The School for the Deaf and Blind, the Governor's School for Science and Mathematics, and the Governor's School for the Arts and Humanities indicate that they can adhere to the provisions of the bill within existing appropriations. The Wil Lou Gray Opportunity School indicates that the bill will have no expenditure impact since the school has a staffed medical department versed in all emergencies including seizures. The Governor's School for Agriculture at John de la Howe indicates that any expenses to implement the provisions of the bill can be managed within existing appropriations. However, the school expressed a concern as to who will provide the required training.

The overall expenditure impact of this bill on the local school districts is undetermined due to the varying responses received from the districts. SCDE surveyed the seventy-three regular districts and the three charter school districts and received responses from fifteen districts. Seven of the responding districts indicate that the bill will have no expenditure impact since they currently adhere to the provisions of the bill. One district indicates that any additional expenses would depend on the number of students who need a seizure action plan and may result in a need to hire

additional nursing staff if the number increases significantly. The remaining seven districts indicate that the bill could increase expenses by a range of \$2,500 to \$300,000 for self-study training for principals, teachers, and guidance counselors, training for volunteers, additional school nurses, and for additional staff to oversee the seizure education program.

Explanation of Fiscal Impact

Amended by House Education and Public Works on January 23, 2024

State Expenditure

This bill requires each school district and charter school to adopt a seizure training program to provide instruction in understanding the basics about epilepsy and its impact on student learning, recognizing signs and symptoms of seizures, the appropriate steps to be taken to respond to symptoms of a seizure, and the administration of seizure medications. The training must be consistent with guidelines established by a qualified nonprofit organization that supports the welfare of individuals with epilepsy and seizure disorders. The completion of the training must be documented by the district. The training may be provided virtually, provided by school or district staff, or may be conducted by an individual trained to deliver such information.

The bill also amends Section 59-63-80 related to individual health care plans for students to include definitions for EAP's and SAP's. Additionally, the bill specifies that the policy requiring students with special health care needs to have individual health care plans must include certain information.

Additionally, the bill requires SCDE to develop guidelines for a student individual health care plan, which must include training specific to the student's health care needs for school personnel with direct student contact, and if appropriate as determined by the school nurse, providing information to additional school personnel on recognizing signs and symptoms associated with specific medical conditions. If deemed appropriated, an EAP must accompany an individual health plan and an SAP must accompany the EAP for distribution to school staff who have a legitimate need for the information.

Finally, the bill specifies that a school district and its employees and agents are not liable for an injury arising from administration of medication authorized by an individual health plan, and the parent or guardian must indemnify and hold harmless the district and its employees and agents against a claim arising from administration of medication authorized by an individual health plan. The bill takes effect July 1, 2025.

S.C. Department of Education. SCDE indicates that any expenses to implement the provisions of the bill can be managed within existing appropriations. Therefore, the bill will have no expenditure impact on SCDE.

State Agency Schools. The School for the Deaf and Blind, the Governor's School for Science and Mathematics, and the Governor's School for the Arts and Humanities indicate that they can adhere to the provisions of the bill within existing appropriations. The Wil Lou Gray Opportunity School indicates that the bill will have no expenditure impact since the school has a

staffed medical department versed in all emergencies including seizures. The Governor's School for Agriculture at John de la Howe indicates that any expenses to implement the provisions of the bill can be managed within existing appropriations. However, the school expressed a concern as to who will provide the required training. Therefore, the bill will have no expenditure impact on the state agency schools.

State Revenue

N/A

Local Expenditure

This bill requires each school district and charter school to adopt a seizure training program to provide instruction in understanding the basics about epilepsy and its impact on student learning, recognizing signs and symptoms of seizures, the appropriate steps to be taken to respond to symptoms of a seizure, and the administration of seizure medications. The completion of the training must be documented by the district. The training may be provided virtually, provided by school or district staff, or may be conducted by an individual trained to deliver such information.

The bill also specifies that the policy requiring students with special health care needs to have individual health care plans must include certain information.

Additionally, the bill specifies that if deemed necessary, an EAP must accompany an individual health plan and an SAP must accompany the EAP for distribution to school staff who have a legitimate need for the information.

Finally, the bill specifies that a school district and its employees and agents are not liable for an injury arising from administration of medication authorized by an individual health plan, and the parent or guardian must indemnify and hold harmless the district and its employees and agents against a claim arising from administration of medication authorized by an individual health plan.

SCDE surveyed the seventy-three regular districts and the three charter school districts and received responses from fifteen districts. Seven of the responding districts indicate that the bill will have no expenditure impact since they currently adhere to the provisions of the bill. One district indicates that any additional expenses would depend on the number of students who need a seizure action plan and may result in a need to hire additional nursing staff if the number increases significantly. The remaining seven districts indicate that the bill could increase expenses by a range of \$2,500 to \$300,000 for self-study training for principals, teachers, and guidance counselors, training for volunteers, additional school nurses, and for additional staff to oversee the seizure education program. Due to the varying responses, the expenditure impact of this bill on the local school districts is undetermined.

Local Revenue

N/A

Updated for Additional Agency Response on April 27, 2023
Introduced on January 10, 2023

State Expenditure

This bill requires public schools to develop a seizure action plan for students diagnosed with a seizure disorder. Schools must keep each seizure action plan on file in the office of a school administrator or school nurse and make the plan available to school personnel and, with permission of the parent or guardian, a volunteer responsible for the supervision of the student. The bill also requires school districts to adopt a policy outlining requirements of a seizure education program and training requirements for all school personnel having direct contact with students in grades kindergarten through twelve. Each school district must adopt a policy requiring all principals, guidance counselors, and teachers in the school to complete at least one hour of self-study review of seizure disorder materials each school year and must select the materials for study.

Additionally, SCDE must develop an informational poster on seizure first aid and must provide it online to all public and private schools at no charge. Each public school must display at least one poster in a visible, high-traffic area in the school. Further, the State Board of Education must develop a policy regarding seizures for all schools that operate under the control of the board.

S.C. Department of Education. SCDE indicates that the development of a poster on seizure first aid can be managed within existing appropriations. Further, the Epilepsy Foundation of America offers a free printable poster that SCDE may be able to share with school districts. Therefore, the bill will have no expenditure impact on SCDE. *This section of the impact statement has been updated to include a response from SCDE.*

State Agency Schools. The Governor's School for the Arts and Humanities indicates that it can adhere to the provisions of the bill within existing appropriations. The Governor's School for Agriculture at John de la Howe indicates that the bill will have no expenditure impact. Likewise, the Wil Lou Gray Opportunity School indicates that the bill will have no expenditure impact since the school has a staffed medical department versed in all emergencies including seizures. Based upon these responses, we anticipate that any expenses resulting from the bill for the Governor's School for Science and Mathematics and the School for the Deaf and Blind can be managed within existing resources.

State Revenue

N/A

Local Expenditure

This bill requires public schools to develop a seizure action plan for students diagnosed with a seizure disorder. Schools must keep each seizure action plan on file in the office of a school administrator or school nurse and make the plan available to school personnel and, with permission of the parent or guardian, a volunteer responsible for the supervision of the student. The bill also requires school districts to adopt a policy outlining requirements of a seizure education program and training requirements for all school personnel having direct contact with

students in grades kindergarten through twelve. Each school district must adopt a policy requiring all principals, guidance counselors, and teachers in the school to complete at least one hour of self-study review of seizure disorder materials each school year and must select the materials for study. Additionally, SCDE must develop an informational poster on seizure first aid and must provide it online to all public and private schools at no charge. Each public school must display at least one poster in a visible, high-traffic area in the school.

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Local Revenue

N/A

Introduced on January 10, 2023

State Expenditure

This bill requires public schools to develop a seizure action plan for students diagnosed with a seizure disorder. Schools must keep each seizure action plan on file in the office of a school administrator or school nurse and make the plan available to school personnel and, with permission of the parent or guardian, a volunteer responsible for the supervision of the student. The bill also requires school districts to adopt a policy outlining requirements of a seizure education program and training requirements for all school personnel having direct contact with students in grades kindergarten through twelve. Each school district must adopt a policy requiring all principals, guidance counselors, and teachers in the school to complete at least one hour of self-study review of seizure disorder materials each school year and must select the materials for study.

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S.C. Department of Education. The expenditure impact of this bill on SCDE is pending, contingent upon a response.

State Agency Schools. The Governor's School for the Arts and Humanities indicates that it can adhere to the provisions of the bill within existing appropriations. The Governor's School for Agriculture at John de la Howe indicates that the bill will have no expenditure impact. Likewise, the Wil Lou Gray Opportunity School indicates that the bill will have no expenditure impact since the school has a staffed medical department versed in all emergencies including seizures. Based upon these responses, we anticipate that any expenses resulting from the bill for the Governor's School for Science and Mathematics and the School for the Deaf and Blind can be managed within existing resources.

State Revenue

N/A

Local Expenditure

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The expenditure impact of this bill on the local school districts is pending, contingent upon a response.

Local Revenue

N/A



Frank A. Rainwater, Executive Director