

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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SENATE BILL 695
Education/Higher Education Committee Substitute Adopted 5/5/21

Short Title: Statewide Medical Action Plan for Schools.

(Public)

Sponsors:

Referred to:

April 8, 2021

A BILL TO BE ENTITLED
AN ACT TO REQUIRE MEDICAL CONDITION ACTION PLANS FOR CERTAIN
STUDENTS IN ALL PUBLIC SCHOOL UNITS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-12 is amended by adding a new subdivision to read:

"(47) Statewide Medical Condition Action Plan. – The State Board of Education shall adopt a rule establishing a medical condition action plan as provided in G.S. 115C-375.1 to be implemented by each public school unit for each student at risk for a medical emergency as diagnosed by a doctor."

SECTION 2. G.S. 115C-375.1 reads as rewritten:

"§ 115C-375.1. To provide some medical care to ~~students~~ students and implement medical condition action plans.

(a) It is within the scope of duty of teachers, including substitute teachers, teacher assistants, student teachers, or any other public school employee when authorized by the ~~board of education~~ governing board of a public school unit or its designee, (i) to administer any drugs or medication prescribed by a doctor upon written request of the parents, or as described in the medical condition action plan required by subsection (b) of this section, (ii) to give emergency health care when reasonably apparent circumstances indicate that any delay would seriously worsen the physical condition or endanger the life of the ~~pupil~~ student, and (iii) to perform any other first aid or lifesaving techniques in which the employee has been trained in a program approved by the State Board of Education. No public school unit employee, however, shall be required to administer drugs or medication or attend lifesaving techniques programs.

(b) The medical condition action plan adopted by the State Board of Education as provided in G.S. 115C-12(47) and implemented by each governing board of a public school unit for each student at risk for a medical emergency as diagnosed by a doctor shall include all of the following:

(1) A standard medical condition action plan form.

(2) Detailed instructions in the medical condition action plan form to ensure that all individuals designated by the principal, or if there is no principal the staff member with the highest decision-making authority, to provide medical care for a student at risk for a medical emergency as diagnosed by a doctor, know how to address the medical emergency.

(3) Information detailing the method by which and by whom any medical emergency will be handled when the student is at a school-sponsored activity that is not on the campus of the public school unit, including field trips and interscholastic athletic activities.



(c) Any public school unit employee, authorized by the ~~board of education governing board of a public school unit~~ or its designee to act under (i), (ii), or (iii) above, ~~subsections (a) and (b) of this section~~ shall not be liable in civil damages for any authorized act or for any omission relating to that act unless the act or omission amounts to gross negligence, wanton conduct, or intentional wrongdoing. Any person, serving in a voluntary position at the request of or with the permission or consent of the ~~board of education governing board of a public school unit~~ or its designee, who has been given the authority by the ~~board of education governing board of a public school unit~~ or its designee to ~~act under (ii) above~~ give emergency health care when reasonably apparent circumstances indicate that any delay would seriously worsen the physical condition or endanger the life of the student shall not be liable in civil damages for any authorized act or for any omission relating to the act unless the act amounts to gross negligence, wanton conduct, or intentional wrongdoing.

(d) At the commencement of each school year, but before the beginning of classes, and thereafter as circumstances require, the principal of each ~~school~~ school, or if there is no principal the staff member with the highest decision-making authority, shall determine which persons will participate in the medical care program."

SECTION 3. G.S. 115C-47 is amended by adding a new subdivision to read:

"(65) To Implement a Medical Condition Action Plan. – Local boards of education shall implement the medical condition action plan adopted by the State Board of Education under G.S. 115C-12(47) and as provided in G.S. 115C-375.1."

SECTION 4. G.S. 115C-218.75 is amended by adding a new subsection to read:

"(e2) Medical Condition Action Plan. – A charter school shall implement the medical condition action plan adopted by the State Board of Education under G.S. 115C-12(47) and as provided in G.S. 115C-375.1."

SECTION 5. G.S. 115C-238.66 is amended by adding a new subdivision to read:

"(7f) Medical condition action plan. – A regional school shall implement the medical condition action plan adopted by the State Board of Education under G.S. 115C-12(47) and as provided in G.S. 115C-375.1."

SECTION 6. G.S. 116-239.8(b) is amended by adding a new subdivision to read:

"(19) A laboratory school shall implement the medical condition action plan adopted by the State Board of Education under G.S. 115C-12(47) and as provided in G.S. 115C-375.1."

SECTION 7. Section 6(d) of S.L. 2018-32 is amended by adding a new sub-subdivision to read:

"p. (65) [To Implement a Medical Condition Action Plan]."

SECTION 8. This act is effective when it becomes law and applies beginning with the 2021-2022 school year.