

By: Ortiz, Jr., Davis of Harris,  
Smith of Tarrant, Herrero, Kolthorst,  
et al.

H.B. No. 1410

Substitute the following for H.B. No. 1410:

By: Aycock

C.S.H.B. No. 1410

A BILL TO BE ENTITLED

AN ACT

relating to student information required to be provided at the time  
of enrollment in public schools.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 25, Education Code, is  
amended by adding Section 25.0022 to read as follows:

Sec. 25.0022. FOOD ALLERGY INFORMATION REQUESTED UPON  
ENROLLMENT. (a) In this section, "severe food allergy" means a  
dangerous or life-threatening reaction of the human body to a  
food-borne allergen introduced by inhalation, ingestion, or skin  
contact that requires immediate medical attention.

(b) Upon enrollment of a child in a public school, a school  
district shall request, by providing a form or otherwise, that a  
parent or other person with legal control of the child under a court  
order:

(1) disclose whether the child has a food allergy or a  
severe food allergy diagnosed by a physician;

(2) specify the food to which the child is allergic and  
the nature of the allergic reaction; and

(3) provide documentation from a physician regarding  
the allergy, including, if applicable, a physician's order to  
administer medication related to the allergy.

(c) A school district shall maintain the confidentiality of  
information provided under this section, and may disclose the

1 information to teachers, school counselors, school nurses, and  
2 other appropriate school personnel only to the extent consistent  
3 with district policy under Section 38.009 and permissible under the  
4 Family Educational Rights and Privacy Act of 1974 (20 U.S.C.  
5 Section 1232g).

6 (d) Information regarding a child's food allergy shall be  
7 placed in the child's medical records.

8 SECTION 2. Subchapter A, Chapter 38, Education Code, is  
9 amended by adding Section 38.0092 to read as follows:

10 Sec. 38.0092. CLASSROOM SIGNS INDICATING SEVERE FOOD  
11 ALLERGY. (a) In this section, "severe food allergy" has the  
12 meaning assigned by Section 25.0022.

13 (b) The commissioner shall adopt a sign for use in  
14 classrooms indicating that a child in the classroom has a severe  
15 food allergy. The commissioner by rule shall specify the language  
16 of the warning and the size and graphic design of the sign,  
17 including font size and type. The sign must include the phrase  
18 "Severe Food Allergy."

19 (c) The school shall post the sign adopted under Subsection  
20 (b) in each elementary school classroom in which a child with a  
21 severe food allergy is placed if a parent or a person with legal  
22 control of a child under a court order indicates to the school  
23 district under Section 25.0022 that the child has a severe food  
24 allergy.

25 (d) The sign under Subsection (b) may not be modified to  
26 identify a child in the classroom with a severe food allergy.

27 SECTION 3. This Act applies beginning with the 2009-2010

1 school year.

2           SECTION 4. This Act takes effect immediately if it receives  
3 a vote of two-thirds of all the members elected to each house, as  
4 provided by Section 39, Article III, Texas Constitution. If this  
5 Act does not receive the vote necessary for immediate effect, this  
6 Act takes effect September 1, 2009.