

By: Ortiz, Jr.

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 that, in the judgment of the parent or other person with legal control, should be disclosed to the district to enable the district to take any necessary precautions regarding the child's safety; and

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

(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,
7 regardless of how it is received by the school or school district,
8 shall be placed in the child's medical records.

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

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

14 (b) The school shall post a sign in each elementary school
15 classroom in which a child with a severe food allergy is placed if:

16 (1) a parent or a person with legal control of a child
17 under a court order indicates to the school district under Section
18 25.0022 that the child has a severe food allergy; or

19 (2) a parent, a person with legal control of a child, a
20 caregiver of the child, or the child notifies a school
21 administrator, nurse, or teacher that the child has a severe food
22 allergy.

23 (c) The sign under Subsection (b) shall conspicuously
24 include the phrase "Severe Food Allergy."

25 (d) The sign under Subsection (b) may not identify a child
26 in the classroom with a severe food allergy, the food or foods to
27 which a child is allergic, or the nature of the allergic reaction.

1 SECTION 3. This Act applies beginning with the 2009-2010
2 school year.

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