

## **BILL ANALYSIS**

Senate Research Center  
82R21902 JSC-D

H.B. 742  
By: Hunter (Hinojosa)  
Education  
5/14/2011  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Approximately 185,000 children in Texas have food allergies. While some food allergies are not life threatening, they may require immediate medical attention.

Schools rely on their districts to promote policies on how to deal with severe food allergies, but sometimes teachers, school nurses, aides, and substitute teachers are unaware of children in their school who have potentially deadly food allergies.

H.B. 742 amends the Education Code to require a school district, on enrollment of a child in a public school, to request, by providing a form or otherwise, that a parent or other person with legal control of a child under a court order disclose whether the child has a food allergy or severe food allergy. This would enable the district to take any necessary precautions regarding the child's safety.

If the information regarding the severe allergy is provided by a physician, then the information will be included in the medical records maintained for the child by the school district. If provided by anyone other than a physician, then the information will be retained in the child's school records, but is prohibited from being placed in the child's medical records.

H.B. 742 amends current law relating to student information required to be provided at the time of enrollment in public schools.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter A, Chapter 25, Education Code, by adding Section 25.0022, as follows:

Sec. 25.0022. FOOD ALLERGY INFORMATION REQUESTED UPON ENROLLMENT. (a) Defines, in this section, "severe food allergy."

(b) Requires a school district, on enrollment of a child in a public school, to 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) Requires a school district to maintain the confidentiality of information provided under this section, and authorize the district to disclose the information to teachers, school counselors, school nurses, and other appropriate school personnel only to the extent consistent with district policy under Section 38.009 and permissible under the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g).

(d) Provides that information regarding a child's food allergy, except as provided by Subsection (e), regardless of how it is received by the school or school district, is required to be retained in the child's student records but is prohibited from being placed in the medical records maintained for the child by the school district.

(e) Requires that documentation, if the school receives documentation of a food allergy from a physician, be placed in the medical records maintained for the child by the school district.

SECTION 2. Provides that this Act applies beginning with the 2011-2012 school year.

SECTION 3. Effective date: upon passage or September 1, 2011.