

BILL ANALYSIS

Senate Research Center

S.B. 27
By: Zaffirini et al.
Education
7/27/2011
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The purpose of S.B. 27 is to ensure that the commissioner of the Texas Department of State Health Services establishes an ad hoc committee to develop guidelines for the care of students with a diagnosed food allergy at risk for anaphylaxis in Texas public schools. The bill will also require that each school district or open-enrollment charter school implement a policy based on the guidelines for the care of students at risk for anaphylaxis enrolled in the schools under its jurisdiction, or if a policy is already in place to review and revise that policy to ensure that it is consistent with the guidelines.

S.B. 27 will address the problem of schools being unprepared in the case of food allergy reaction. Establishing a policy for care of students at risk for anaphylaxis will greatly reduce the risk of an attack being fatal.

S.B. 27 amends current law relating to policies of school districts and open-enrollment charter schools for the care of certain students at risk for anaphylaxis.

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 38, Education Code, by adding Section 38.0151, as follows:

Sec. 38.0151. POLICIES FOR CARE OF CERTAIN STUDENTS AT RISK FOR ANAPHYLAXIS. (a) Requires the board of trustees of each school district and the governing body or an appropriate officer of each open-enrollment charter school to adopt and administer a policy for the care of students with a diagnosed food allergy at risk for anaphylaxis based on guidelines developed by the commissioner of state health services (commissioner) in consultation with an ad hoc committee appointed by the commissioner.

(b) Requires a school district or open-enrollment charter school that implemented a policy for the care of students with a diagnosed food allergy at risk for anaphylaxis before the development of guidelines described by Subsection (a) to review the policy and revise the policy as necessary to ensure the policy is consistent with the guidelines.

(b-1) Requires the commissioner, not later than December 1, 2011, to appoint members to an ad hoc committee to consult with the commissioner on developing guidelines for the care of students with a diagnosed food allergy at risk for anaphylaxis. Requires the ad hoc committee to be composed as follows:

(1) not more than one representative from each of the following entities:

(A) the Department of State Health Services;

- (B) the Food Allergy Initiative;
- (C) the Food Allergy and Anaphylaxis Network; and
- (D) the Texas School Nurses Organization;

(2) one principal of a public elementary school campus at which one or more students with a diagnosed food allergy at risk for anaphylaxis are enrolled;

(3) one classroom teacher employed at a public elementary school campus at which one or more students with a diagnosed food allergy at risk for anaphylaxis are enrolled;

(4) one member of each of the governing body of a school district and open-enrollment charter school;

(5) one superintendent of an independent school district;

(6) not more than one physician member of the Texas chapter of the American Academy of Allergy, Asthma & Immunology; and

(7) at least two parents of public school students with a diagnosed food allergy at risk for anaphylaxis.

(b-2) Requires the commissioner, not later May 1, 2012, in consultation with the ad hoc committee established under this section, to develop guidelines for the care of students with a diagnosed food allergy at risk for anaphylaxis.

(b-3) Provides that Section 2110.005 (Agency-Developed Statement of Purpose and Tasks; Reporting Requirements), Government Code, does not apply to the ad hoc committee appointed under Subsection (b-1).

(b-4) Provides that Subsections (b-1), (b-2), and (b-3) and this subsection expire June 1, 2012.

(c) Prohibits the guidelines described by Subsection (a) from:

(1) requiring a school district or open-enrollment charter school to purchase prescription anaphylaxis medication, such as epinephrine, or requiring any other expenditure that would result in a negative fiscal impact on the district or charter school; or

(2) requiring the personnel of a district or charter school to administer anaphylaxis medication, such as epinephrine, to a student unless the anaphylaxis medication is prescribed for that student.

(d) Provides that this section does not:

(1) waive any liability or immunity of a governmental entity or its officers or employees; or

(2) create any liability for or a cause of action against a governmental entity or its officers or employees.

(e) Requires the Texas Education Agency (TEA) to post the guidelines developed by the commissioner under this section on TEA's website with any other information relating to students with special health needs.

SECTION 2. Requires the board of trustees of each school district and the governing body or an appropriate officer of each open-enrollment charter school, not later than August 1, 2012, to implement the policy for the care of students with a diagnosed food allergy at risk for anaphylaxis as required by Section 38.0151, Education Code, as added by this Act.

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