

BILL ANALYSIS

S.B. 27
By: Zaffirini
Public Education
Committee Report (Unamended)

BACKGROUND AND PURPOSE

There is concern that certain schools are unprepared for a student's food allergy reaction. Interested parties contend that establishing a policy for the care of students with a diagnosed food allergy at risk for anaphylaxis will greatly reduce the possibility of a fatal attack. S.B. 27 seeks to provide for such a policy in school districts and open-enrollment charter schools.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 27 amends the Education Code to require 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 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 in consultation with an ad hoc committee appointed by the commissioner. The bill requires a school district or charter school that implemented such a policy before the development of the guidelines to review the policy and revise the policy as necessary to ensure the policy is consistent with the guidelines.

S.B. 27 adds temporary provisions, set to expire June 1, 2012, requiring 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; setting out the required composition of the committee; requiring the commissioner, in consultation with the committee, to develop guidelines for the care of students with a diagnosed food allergy at risk for anaphylaxis, not later than May 1, 2012; and exempting the committee from provisions of law applicable to state agency advisory committees.

S.B. 27 prohibits the guidelines developed by the commissioner from requiring a school district or charter school to purchase prescription anaphylaxis medication, such as epinephrine, or require any other expenditure that would result in a negative fiscal impact on the district or charter school or from 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. The bill requires the Texas Education Agency (TEA) to post the guidelines developed by the commissioner on the TEA's website with any other information relating to students with special health needs.

S.B. 27 establishes that its provisions do not waive any liability or immunity of a governmental entity or its officers or employees or create any liability for or a cause of action against a governmental entity or its officers or employees.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2011.