

By: Hunter

H.B. No. 742

Substitute the following for H.B. No. 742:

By: Aycock

C.S.H.B. No. 742

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) On 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) Except as provided by Subsection (e), information  
7 regarding a child's food allergy, regardless of how it is received  
8 by the school or school district, shall be retained in the child's  
9 student records but may not be placed in the medical records  
10 maintained for the child by the school district.

11 (e) If the school receives documentation of a food allergy  
12 from a physician, that documentation shall be placed in the medical  
13 records maintained for the child by the school district.

14 SECTION 2. This Act applies beginning with the 2011-2012  
15 school year.

16 SECTION 3. This Act takes effect immediately if it receives  
17 a vote of two-thirds of all the members elected to each house, as  
18 provided by Section 39, Article III, Texas Constitution. If this  
19 Act does not receive the vote necessary for immediate effect, this  
20 Act takes effect September 1, 2011.