

1-1 By: Hunter (Senate Sponsor - Hinojosa) H.B. No. 742
1-2 (In the Senate - Received from the House May 5, 2011;
1-3 May 9, 2011, read first time and referred to Committee on
1-4 Education; May 19, 2011, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 7, Nays 0;
1-6 May 19, 2011, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 742 By: Seliger

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to student information required to be provided at the time
1-11 of enrollment in public schools.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subchapter A, Chapter 25, Education Code, is
1-14 amended by adding Section 25.0022 to read as follows:

1-15 Sec. 25.0022. FOOD ALLERGY INFORMATION REQUESTED UPON
1-16 ENROLLMENT. (a) In this section, "severe food allergy" means a
1-17 dangerous or life-threatening reaction of the human body to a
1-18 food-borne allergen introduced by inhalation, ingestion, or skin
1-19 contact that requires immediate medical attention.

1-20 (b) On enrollment of a child in a public school, a school
1-21 district shall request, by providing a form or otherwise, that a
1-22 parent or other person with legal control of the child under a court
1-23 order:

1-24 (1) disclose whether the child has a food allergy or a
1-25 severe food allergy that, in the judgment of the parent or other
1-26 person with legal control, should be disclosed to the district to
1-27 enable the district to take any necessary precautions regarding the
1-28 child's safety; and

1-29 (2) specify the food to which the child is allergic and
1-30 the nature of the allergic reaction.

1-31 (c) A school district shall maintain the confidentiality of
1-32 information provided under this section, and may disclose the
1-33 information to teachers, school counselors, school nurses, and
1-34 other appropriate school personnel only to the extent consistent
1-35 with district policy under Section 38.009 and permissible under the
1-36 Family Educational Rights and Privacy Act of 1974 (20 U.S.C.
1-37 Section 1232g).

1-38 (d) Except as provided by Subsections (e) and (f),
1-39 information regarding a child's food allergy, regardless of how it
1-40 is received by the school or school district, shall be retained in
1-41 the child's student records but may not be placed in the health
1-42 record maintained for the child by the school district.

1-43 (e) If the school receives documentation of a food allergy
1-44 from a physician, that documentation shall be placed in the health
1-45 record maintained for the child by the school district.

1-46 (f) A registered nurse may enter appropriate notes about a
1-47 child's possible food allergy in the health record maintained for
1-48 the child by the school district, including a notation that the
1-49 child's student records indicate that a parent has notified the
1-50 school district of the child's possible food allergy.

1-51 SECTION 2. This Act applies beginning with the 2011-2012
1-52 school year.

1-53 SECTION 3. This Act takes effect immediately if it receives
1-54 a vote of two-thirds of all the members elected to each house, as
1-55 provided by Section 39, Article III, Texas Constitution. If this
1-56 Act does not receive the vote necessary for immediate effect, this
1-57 Act takes effect September 1, 2011.

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