

SENATE AMENDMENTS

2nd Printing

By: Hunter

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.

ADOPTED

MAY 25 2011

Atty. Gen.
Secretary of the Senate

By: Rep. Hunter/Hinojosa

H.B. No. 742

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

By: El Seliger

C.S. H.B. No. 742

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6 amended by adding Section 25.0022 to read as follows:

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8 ENROLLMENT. (a) In this section, "severe food allergy" means a
9 dangerous or life-threatening reaction of the human body to a
10 food-borne allergen introduced by inhalation, ingestion, or skin
11 contact that requires immediate medical attention.

12 (b) On enrollment of a child in a public school, a school
13 district shall request, by providing a form or otherwise, that a
14 parent or other person with legal control of the child under a court
15 order:

16 (1) disclose whether the child has a food allergy or a
17 severe food allergy that, in the judgment of the parent or other
18 person with legal control, should be disclosed to the district to
19 enable the district to take any necessary precautions regarding the
20 child's safety; and

21 (2) specify the food to which the child is allergic and
22 the nature of the allergic reaction.

23 (c) A school district shall maintain the confidentiality of
24 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 Subsections (e) and (f),
7 information regarding a child's food allergy, regardless of how it
8 is received by the school or school district, shall be retained in
9 the child's student records but may not be placed in the health
10 record 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 health
13 record maintained for the child by the school district.

14 (f) A registered nurse may enter appropriate notes about a
15 child's possible food allergy in the health record maintained for
16 the child by the school district, including a notation that the
17 child's student records indicate that a parent has notified the
18 school district of the child's possible food allergy.

19 SECTION 2. This Act applies beginning with the 2011-2012
20 school year.

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

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 26, 2011

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB742 by Hunter (Relating to student information required to be provided at the time of enrollment in public schools.), **As Passed 2nd House**

No fiscal implication to the State is anticipated.

Local Government Impact

School districts may incur some administrative costs related to requesting and compiling food allergy information. Costs would vary by district and would depend on the number of children with food allergies enrolling in each district.

Source Agencies: 701 Central Education Agency

LBB Staff: JOB, SD, LXH, JGM

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 18, 2011

TO: Honorable Florence Shapiro, Chair, Senate Committee on Education

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: **HB742** by Hunter (Relating to student information required to be provided at the time of enrollment in public schools.), **Committee Report 2nd House, Substituted**

No fiscal implication to the State is anticipated.

Local Government Impact

School districts may incur some administrative costs related to requesting and compiling food allergy information. Costs would vary by district and would depend on the number of children with food allergies enrolling in each district.

Source Agencies: 701 Central Education Agency

LBB Staff: JOB, LXH, JGM

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 10, 2011

TO: Honorable Florence Shapiro, Chair, Senate Committee on Education

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB742 by Hunter (Relating to student information required to be provided at the time of enrollment in public schools.), **As Engrossed**

No fiscal implication to the State is anticipated.

Local Government Impact

School districts may incur some administrative costs related to requesting and compiling food allergy information. Costs would vary by district and would depend on the number of children with food allergies enrolling in each district.

Source Agencies: 701 Central Education Agency

LBB Staff: JOB, LXH, JGM

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

April 18, 2011

TO: Honorable Rob Eissler, Chair, House Committee on Public Education

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB742 by Hunter (Relating to student information required to be provided at the time of enrollment in public schools.), **Committee Report 1st House, Substituted**

No fiscal implication to the State is anticipated.

Local Government Impact

School districts may incur some administrative costs related to requesting and compiling food allergy information. Costs would vary by district and would depend on the number of children with food allergies enrolling in each district.

Source Agencies: 701 Central Education Agency

LBB Staff: JOB, LXH, JGM

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

April 10, 2011

TO: Honorable Rob Eissler, Chair, House Committee on Public Education

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB742 by Hunter (Relating to student information required to be provided at the time of enrollment in public schools.), **As Introduced**

No fiscal implication to the State is anticipated.

Local Government Impact

School districts may incur some administrative costs related to requesting and compiling food allergy information and posting the required signs. Costs would vary by district and would depend on the number of children with food allergies enrolling in each district.

Source Agencies: 701 Central Education Agency

LBB Staff: JOB, LXH, JGM