86R6155 CAE-F

By:  Zaffirini S.B. No. 869

A BILL TO BE ENTITLED

AN ACT

relating to guidelines for policies of school districts and open-enrollment charter schools for the care of certain students at risk for anaphylaxis.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1.  Section 38.0151, Education Code, is amended by amending Subsections (a), (b), and (e) and adding Subsection (g) to read as follows:

(a)  The board of trustees of each school district and the governing body or an appropriate officer of each open-enrollment charter school shall adopt and administer a policy for the care of students with a diagnosed food allergy at risk for anaphylaxis based on "Guidelines for the Care of Students With Food Allergies At-Risk for Anaphylaxis" [~~guidelines~~] developed by the commissioner of state health services under this section and updated by the commissioner of state health services in consultation with an ad hoc committee appointed by the commissioner of state health services as provided by Section 38.0152.

(b)  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 the guidelines described by Subsection (a)~~] shall annually review [~~the policy~~] and, as necessary, revise its [~~the~~] policy for the care of students with a diagnosed food allergy at risk for anaphylaxis [~~as necessary~~] to ensure the policy is consistent with the most current version of the guidelines described by Subsection (a).

(e)  The agency shall post the guidelines described by Subsection (a) [~~developed by the commissioner of state health services under this section~~] on the agency's website with any other information relating to students with special health needs. The information posted by the agency must include a summary of the guidelines. The agency shall annually review and, as necessary, revise the summary and any other information to reflect the most current version of the guidelines.

(g)  Each school year, the board of trustees of each school district and the governing body of each open-enrollment charter school shall provide a copy of the guidelines summary posted on the agency's website to each student enrolled in the district or school and a parent or guardian of each student.

SECTION 2.  Subchapter A, Chapter 38, Education Code, is amended by adding Section 38.0152 to read as follows:

Sec. 38.0152.  COMMITTEE TO ASSIST IN UPDATING GUIDELINES FOR CARE OF STUDENTS AT RISK FOR ANAPHYLAXIS. (a) In this section:

(1)  "Commissioner" means the commissioner of state health services.

(2)  "Department" means the Department of State Health Services.

(3)  "Guidelines" means "Guidelines for the Care of Students With Food Allergies At-Risk for Anaphylaxis" on which school district and open-enrollment charter school policies for the care of students with a diagnosed food allergy at risk for anaphylaxis are based as provided by Section 38.0151.

(b)  The commissioner shall appoint members to an ad hoc committee to consult with the commissioner on updating the current guidelines to incorporate and specifically reference any new food-allergy management best practices and treatments, including new methods, treatments, and therapies to reduce the risk of allergic reactions.

(c)  The committee must include:

(1)  not more than:

(A)  one representative from:

(i)  the department; and

(ii)  the Texas Nurses Association; and

(B)  one physician who is a member of the American Academy of Allergy, Asthma & Immunology;

(2)  at least two individuals from one or more national patient advocacy organizations representing the interests of food allergies, anaphylaxis, and related medical issues, including asthma;

(3)  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;

(4)  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;

(5)  one superintendent of a school district;

(6)  one member of a board of trustees of a school district;

(7)  one member of a governing body of an open-enrollment charter school;

(8)  at least two parents of public school students with a diagnosed food allergy at risk for anaphylaxis; and

(9)  at least one physician trained to diagnose, treat, and manage allergies with experience in new and emerging allergy management best practices and treatments, including new methods, treatments, and therapies to reduce the risk of allergic reactions, including anaphylaxis.

(d)  Ad hoc committee members shall serve for a period determined by the commissioner. On the resignation of a member of the committee or the removal of a member from the committee by the commissioner, the commissioner shall appoint a new member to the committee who qualifies for the committee in the same manner that the member who resigned or is removed qualified.

(e)  Section 2110.005, Government Code, does not apply to the ad hoc committee appointed under this section.

(f)  At least once every three years, the commissioner shall order a meeting of the committee to update the guidelines to incorporate any new food-allergy management best practices and treatments.

(g)  The commissioner may order a meeting of the committee at any time the commissioner determines necessary for the committee to:

(1)  discuss the protection of students with food allergies at risk for anaphylaxis; and

(2)  update the guidelines.

SECTION 3.  The commissioner of state health services shall:

(1)  not later than October 1, 2019, appoint the members of the ad hoc committee described by Section 38.0152, Education Code, as added by this Act, to consult with the commissioner on updating and maintaining the "Guidelines for the Care of Students With Food Allergies At-Risk for Anaphylaxis" as provided by that section; and

(2)  not later than March 1, 2020, in consultation with the ad hoc committee, update the guidelines as necessary.

SECTION 4.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2019.