

By: Zaffirini

S.B. No. 869

A BILL TO BE ENTITLED

AN ACT

1
2 relating to guidelines for policies of school districts and
3 open-enrollment charter schools for the care of certain students at
4 risk for anaphylaxis.

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

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

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

19 (b) A school district or open-enrollment charter school
20 [~~that implemented a policy for the care of students with a diagnosed~~
21 ~~food allergy at risk for anaphylaxis before the development of the~~
22 ~~guidelines described by Subsection (a)~~] shall annually review [~~the~~
23 ~~policy~~] and, as necessary, revise its [~~the~~] policy for the care of
24 students with a diagnosed food allergy at risk for anaphylaxis [~~as~~

1 ~~necessary~~] to ensure the policy is consistent with the most current
2 version of the guidelines described by Subsection (a).

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

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

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

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

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

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

24 (3) "Guidelines" means "Guidelines for the Care of
25 Students With Food Allergies At-Risk for Anaphylaxis" on which
26 school district and open-enrollment charter school policies for the
27 care of students with a diagnosed food allergy at risk for

1 anaphylaxis are based as provided by Section 38.0151.

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

8 (c) The committee must include:

9 (1) not more than:

10 (A) one representative from:

11 (i) the department; and

12 (ii) the Texas Nurses Association; and

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

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

19 (3) one principal of a public elementary school campus
20 at which one or more students with a diagnosed food allergy at risk
21 for anaphylaxis are enrolled;

22 (4) one classroom teacher employed at a public
23 elementary school campus at which one or more students with a
24 diagnosed food allergy at risk for anaphylaxis are enrolled;

25 (5) one superintendent of a school district;

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

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

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

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

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

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

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

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

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

27 (2) update the guidelines.

1 SECTION 3. The commissioner of state health services shall:

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

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

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