

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 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.

President of the Senate

Speaker of the House

I certify that H.B. No. 742 was passed by the House on May 4, 2011, by the following vote: Yeas 142, Nays 0, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 742 on May 27, 2011, by the following vote: Yeas 140, Nays 0, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 742 was passed by the Senate, with amendments, on May 25, 2011, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor