



Vantage Points

A Board Member's Guide to Update 94

SB 27 from the 82nd Legislative Session requires districts to adopt local policy by August 1, 2012, addressing students with food allergies who are at risk of anaphylaxis. The law required the commissioner of the Texas Department of State Health Services, in consultation with an ad hoc committee, to create guidelines to help districts develop local policy. The commissioner's guidelines may not require a district to purchase prescription anaphylaxis medicine or require the administration of anaphylaxis medication to a student unless the medication is prescribed for that student. These legal provisions were added to FFAF(LEGAL) at Update 91.

The resulting guidelines, entitled *Guidelines for the Care of Students with Food Allergies At-Risk for Anaphylaxis* were made available on May 22 at <http://www.dshs.state.tx.us/schoolhealth/default.shtm> and state that the following components should be addressed in policy and administrative regulations:

- Identification of students with food allergies who are at risk for anaphylaxis
- Development, implementation, communication, and monitoring of emergency care plans, individualized health-care plans, and/or Section 504 plans for students with food allergies who are at risk for anaphylaxis
- Reduction of the risk of exposure within the school setting
- Training for school staff on anaphylaxis and emergency response to anaphylactic reactions
- Review of policies and procedures after an anaphylactic reaction

The *Guidelines* include additional detail on each of the above components.

FFAF(LOCAL) POLICY CONSIDERATIONS

New recommended provisions at FFAF(LOCAL), which is now subtitled Care Plans, incorporate these elements by requiring the district to develop and implement a student food allergy management plan that includes general procedures to limit the risk posed to students by food allergies and specific procedures for when a student is identified with a diagnosed food allergy and is at risk for anaphylaxis.

The general procedures must address specialized training for the employees responsible for developing, implementing, and monitoring the food allergy management plan; employee awareness training regarding food allergy symptoms and emergency procedures to follow in the event of a student's anaphylactic reaction; strategies to reduce the risk of exposure to common food allergens; methods for requesting specific food allergy information from parents; and annual review of the food allergy management plan.

Specific procedures for students with diagnosed food allergies who are at risk for anaphylaxis must include the development and implementation of food allergy action plans, emergency action plans, individualized health-care plans, and Section 504 plans, as appropriate; training as necessary for employees and other individuals to implement a student's care plan; and review of individual care plans and procedures periodically and after an anaphylactic reaction at school or at a school-related activity.

The recommended (LOCAL) policy also requires the district to provide information about the policy and the food allergy management plan in the student handbook and to make the materials available at each campus.

At this update we have also revised the F section table of contents to reflect the new subtitle for FFAF, Care Plans.

On June 15, 2012, Policy Service will publish sample administrative procedures and forms in Update 41 to the *Regulations Resource Manual*, available to superintendents and policy contacts on myTASB, to help district administrators develop a food allergy management plan in accordance with state guidelines and local policy.

Please note: Because the law requires districts to adopt a local policy so quickly, districts in which the local policy adoption process calls for two readings of a proposed policy may wish to implement the process for emergency adoption with one reading. [See BF(LOCAL).]

More Information

For further information, please refer to the Update 94 Explanatory Notes and the FFAF(LOCAL) policy itself, found in your localized update packet.

© 2012 Texas Association of School Boards, Inc. All rights reserved.

PLEASE NOTE: This Update 94 *Vantage Points* and the Localized Update 94 packet may not be considered as legal advice and are not intended as a substitute for the advice of a board's own legal counsel.