

REFERENCE TITLE: schools; food allergy guidelines

State of Arizona  
House of Representatives  
Forty-eighth Legislature  
First Regular Session  
2007

# HB 2201

Introduced by  
Representative Nichols

AN ACT

AMENDING TITLE 15, CHAPTER 1, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 15-105; RELATING TO SCHOOL DISTRICTS AND CHARTER SCHOOLS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 15, chapter 1, article 1, Arizona Revised Statutes,  
3 is amended by adding section 15-105, to read:

4 15-105. Food allergy guidelines; civil immunity

5 A. ON OR BEFORE JANUARY 1, 2008, SCHOOL DISTRICTS AND CHARTER SCHOOLS  
6 SHALL DEVELOP GUIDELINES FOR THE MANAGEMENT OF PUPILS WITH LIFE THREATENING  
7 FOOD ALLERGIES. THE GUIDELINES SHALL BE ADOPTED AT A PUBLIC MEETING AND  
8 SHALL INCLUDE:

9 1. PROCEDURES FOR THE IDENTIFICATION OF PUPILS WITH LIFE THREATENING  
10 FOOD ALLERGIES.

11 2. A PROCESS FOR ANNUAL DEVELOPMENT OF INDIVIDUALIZED CARE AND FOOD  
12 ALLERGY PLANS FOR EACH PUPIL WITH A LIFE THREATENING FOOD ALLERGY.

13 3. DEVELOPMENT OF AN EMERGENCY CARE PLAN FOR PUPILS WITH LIFE  
14 THREATENING FOOD ALLERGIES.

15 4. A PROCESS FOR THE ADMINISTRATION OF MEDICATIONS TO PUPILS WITH LIFE  
16 THREATENING FOOD ALLERGIES.

17 5. DEVELOPMENT OF COMMUNICATION PLANS BETWEEN SCHOOL DISTRICT OR  
18 CHARTER SCHOOL PERSONNEL, FAMILIES AND THE PUPIL'S HEALTH CARE PROVIDER.

19 6. TRAINING FOR SCHOOL DISTRICT OR CHARTER SCHOOL PERSONNEL ON THE  
20 MANAGEMENT OF PUPILS WITH LIFE THREATENING FOOD ALLERGIES, INCLUDING THE  
21 ADMINISTRATION OF EPINEPHRINE PURSUANT TO SECTION 15-344. THE SCHOOL  
22 PRINCIPAL AND AT LEAST ONE STAFF PERSON FOR EACH FIVE HUNDRED PUPILS AT EACH  
23 SCHOOL SHALL RECEIVE TRAINING PURSUANT TO THIS PARAGRAPH.

24 7. ANNUAL MONITORING OF THE EFFECTIVENESS OF THE SCHOOL DISTRICT OR  
25 CHARTER SCHOOL PLAN AND PROCEDURES PURSUANT TO THIS SUBSECTION.

26 B. THE GUIDELINES SHALL INCLUDE SCHOOL SPONSORED ACTIVITIES THAT OCCUR  
27 ON AND OFF SCHOOL GROUNDS.

28 C. EACH SCHOOL DISTRICT AND CHARTER SCHOOL SHALL PROVIDE WRITTEN  
29 NOTIFICATION TO THE STATE BOARD OF EDUCATION WITHIN THIRTY DAYS OF ADOPTING  
30 THE GUIDELINES PURSUANT TO SUBSECTION A OF THIS SECTION. EACH SCHOOL  
31 DISTRICT OR CHARTER SCHOOL THAT FAILS TO ADOPT THE GUIDELINES PURSUANT TO  
32 SUBSECTION A OF THIS SECTION BY JANUARY 1, 2008 OR FAILS TO NOTIFY THE STATE  
33 BOARD OF EDUCATION WITHIN THIRTY DAYS OF THE ADOPTION OF THE GUIDELINES SHALL  
34 HAVE AN AMOUNT OF UP TO TEN PER CENT OF ITS STATE AID WITHHELD BY THE STATE  
35 BOARD OF EDUCATION UNTIL THE SCHOOL DISTRICT OR CHARTER SCHOOL IS IN  
36 COMPLIANCE WITH THIS SECTION. WHEN THE SCHOOL DISTRICT OR CHARTER SCHOOL IS  
37 IN COMPLIANCE, THE STATE BOARD OF EDUCATION SHALL RETURN ALL MONIES WITHHELD  
38 PURSUANT TO THIS SUBSECTION.

39 D. A SCHOOL DISTRICT, A CHARTER SCHOOL, SCHOOL DISTRICT EMPLOYEES AND  
40 CHARTER SCHOOL EMPLOYEES ARE IMMUNE FROM CIVIL LIABILITY WITH RESPECT TO ALL  
41 DECISIONS MADE AND ACTIONS TAKEN THAT ARE BASED ON A GOOD FAITH  
42 IMPLEMENTATION OF THE GUIDELINES DEVELOPED PURSUANT TO THIS SECTION.

43 E. IN CONSULTATION WITH THE DEPARTMENT OF HEALTH SERVICES AND  
44 COMMUNITY GROUPS THAT FOCUS ON LIFE THREATENING FOOD ALLERGIES, THE  
45 DEPARTMENT OF EDUCATION SHALL DEVELOP AN ELECTRONIC TRAINING PROGRAM THAT

1 FOCUSES ON LIFE THREATENING FOOD ALLERGIES. THE TRAINING PROGRAM SHALL BE  
2 DISTRIBUTED TO SCHOOL DISTRICTS AND CHARTER SCHOOLS AND SHALL BE PLACED ON  
3 THE DEPARTMENT OF EDUCATION'S WEBSITE. THE DEPARTMENT OF EDUCATION, THE  
4 DEPARTMENT OF HEALTH SERVICES, DEPARTMENT OF EDUCATION PERSONNEL AND  
5 DEPARTMENT OF HEALTH SERVICES PERSONNEL ARE IMMUNE FROM CIVIL LIABILITY WITH  
6 RESPECT TO ALL DECISIONS MADE AND ACTIONS TAKEN THAT ARE BASED ON A GOOD  
7 FAITH IMPLEMENTATION OF THE TRAINING PROGRAM DEVELOPED PURSUANT TO THIS  
8 SUBSECTION.