

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FIRST LEGISLATURE  
FIRST SESSION  
**LEGISLATIVE BILL 72**

Introduced by Cornett, 45; Avery, 28.

Read first time January 8, 2009

Committee: Education

A BILL

1 FOR AN ACT relating to education; to provide for policy  
2 guidelines for management of students and children with  
3 life-threatening allergies; and to provide duties for  
4 the State Department of Education, the Department of  
5 Health and Human Services, schools, and early childhood  
6 education programs.  
7 Be it enacted by the people of the State of Nebraska,

1           Section 1. The State Department of Education, in  
2 consultation with the Department of Health and Human Services,  
3 shall develop and make available policy guidelines for schools  
4 and early childhood education programs for the management of  
5 students with life-threatening allergies. The guidelines shall  
6 be developed with input from pediatricians, school nurses, early  
7 childhood education program health personnel, other health care  
8 providers with expertise in treating children with life-threatening  
9 allergies, parents of children with life-threatening allergies,  
10 school administrators, teachers, food service directors, and  
11 representatives of emergency medical personnel.

12           Sec. 2. The policy guidelines described in section 1 of  
13 this act shall include, but not be limited to:

14           (1) Annual education and training for school and early  
15 childhood education program personnel on management of students  
16 or children with life-threatening allergies, including training  
17 related to administration of medication. In developing this portion  
18 of the policy, training programs offered by other entities may be  
19 considered;

20           (2) Procedures and appropriate guidelines for the  
21 development of individualized emergency health care plans for  
22 students or children with life-threatening allergies which could  
23 result in anaphylaxis, including, but not limited to, maintenance  
24 of a file by the school nurse or other appropriate school or early  
25 childhood education program personnel for each student or child at

1 risk for such anaphylaxis;

2 (3) Development of communication strategies between  
3 schools, early childhood education programs, and local providers of  
4 emergency medical services, including appropriate instructions for  
5 emergency medical response related to anaphylaxis;

6 (4) Development of strategies to reduce the risk of  
7 exposure of students and children to anaphylactic agents in schools  
8 and early childhood education programs;

9 (5) Procedures for managing students' life-threatening  
10 allergies in the context of extracurricular programs such as  
11 academic outings and field trips, before- and after-school  
12 programs, and school-sponsored programs held on weekends;

13 (6) Procedures for collection and publication of data for  
14 each administration of epinephrine to a student or child at risk  
15 for anaphylaxis due to life-threatening allergies;

16 (7) Procedures for each school and early childhood  
17 education program to develop a treatment plan, including  
18 responsibilities for school nurses and other appropriate school and  
19 program personnel in charge of responding to a student or child who  
20 may be experiencing anaphylaxis due to life-threatening allergies;

21 (8) A communication plan for the school or early  
22 childhood education program to follow to gather and disseminate  
23 information on students and children with life-threatening  
24 allergies to appropriate personnel;

25 (9) A description of parental responsibilities,

1 including, but not limited to:

2 (a) Notifying the school or early childhood education  
3 program of a student's or child's diagnosis and physician  
4 directions;

5 (b) Providing appropriate medication and delivery  
6 devices;

7 (c) Providing and keeping current emergency contact  
8 information; and

9 (d) Participation in the development of an allergy action  
10 plan;

11 (10) A description of school and early childhood  
12 education program responsibilities, including, but not limited to:

13 (a) General anaphylaxis education and emergency response  
14 team training annually for school and early childhood education  
15 program health services personnel, teachers, coaches, food service  
16 personnel, transportation personnel, and any other school and  
17 program personnel coming in contact with students and children;

18 (b) Updating medical information annually for students or  
19 children with life-threatening allergies;

20 (c) Informing parents of students or children with  
21 life-threatening allergies of applicable provisions of section  
22 504 of the federal Rehabilitation Act of 1973, 29 U.S.C. 794,  
23 as such section existed on January 1, 2009, and other applicable  
24 federal and state statutes, rules, and regulations;

25 (d) Implementation of environmental guidelines that

1 promote safe and healthy indoor air quality; and

2 (e) Participation in the development of an allergy action  
3 plan to accommodate a student's or child's health needs while at  
4 school or attending the early childhood education program; and

5 (11) A description of students' and children's  
6 age-appropriate responsibilities, including, but not limited to:

7 (a) Avoiding known triggers of life-threatening  
8 allergies;

9 (b) Reporting symptoms to a teacher, school nurse, or  
10 designated adult;

11 (c) Recognizing the need for carrying prescribed allergy  
12 medication;

13 (d) Understanding and demonstrating proper use of  
14 prescribed allergy medication; and

15 (e) Participation in the development of an allergy action  
16 plan; and

17 (12) Procedures for the placement of a student's  
18 or child's prescribed anaphylaxis medication in a secure but  
19 unlocked location, easily accessible by school or early childhood  
20 education program personnel, on a field trip, on a school bus  
21 or other transportation provided or coordinated by the school or  
22 early childhood education program, or at a school-sponsored or  
23 program-sponsored function.

24 Sec. 3. All accredited or approved schools and approved  
25 early childhood education programs shall use the guidelines

1 developed pursuant to sections 1 and 2 of this act to create  
2 and adopt a policy for management of students and children with  
3 life-threatening allergies.