

HOUSE BILL No. 5052

July 24, 2007, Introduced by Reps. Amos, Wojno, David Law, Angerer, Warren, Stakoe, Byrnes, LaJoy, Casperson, Green and Hildenbrand and referred to the Committee on Education.

A bill to amend 1976 PA 451, entitled
"The revised school code,"
(MCL 380.1 to 380.1852) by adding section 1178b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 1178B. (1) NOT LATER THAN JULY 1, 2008, THE DEPARTMENT,
2 IN CONJUNCTION WITH THE DEPARTMENT OF COMMUNITY HEALTH AND THE
3 DEPARTMENT OF AGRICULTURE, SHALL DO ALL OF THE FOLLOWING:

4 (A) REVIEW ALL GUIDELINES, POLICIES, OR OTHER PUBLICATIONS
5 PRODUCED BY THE DEPARTMENT OR ANOTHER STATE AGENCY CONCERNING THE
6 MANAGEMENT OF STUDENTS WITH LIFE-THREATENING FOOD, INSECT STING,
7 LATEX, OR OTHER SUBSTANCE ALLERGIES OR ASTHMA AND REVISE THEM AS
8 NECESSARY.

1 (B) MAKE AVAILABLE TO ALL SCHOOL DISTRICTS, INTERMEDIATE
2 SCHOOL DISTRICTS, PUBLIC SCHOOL ACADEMIES, AND NONPUBLIC SCHOOLS A
3 MODEL LOCAL POLICY CONCERNING THE MANAGEMENT OF STUDENTS WITH LIFE-
4 THREATENING FOOD, INSECT STING, LATEX, OR OTHER SUBSTANCE ALLERGIES
5 OR ASTHMA.

6 (2) IN CARRYING OUT ITS DUTIES UNDER SUBSECTION (1), THE
7 DEPARTMENT SHALL CONSULT WITH APPROPRIATE MEDICAL EXPERTS, WITH
8 PROFESSIONAL ORGANIZATIONS REPRESENTING SCHOOL NURSES, PRINCIPALS,
9 AND TEACHERS, AND WITH THE FOOD ALLERGY COMMUNITY.

10 (3) THE MODEL LOCAL POLICY DEVELOPED UNDER SUBSECTION (1)
11 SHALL ADDRESS AT LEAST ALL OF THE FOLLOWING:

12 (A) THE TYPE AND AMOUNT OF TRAINING THAT MAY BE REQUIRED FOR
13 PERSONS WHO PARTICIPATE IN THE MANAGEMENT OF STUDENTS WITH LIFE-
14 THREATENING FOOD, INSECT STING, LATEX, OR OTHER SUBSTANCE ALLERGIES
15 OR ASTHMA AT SCHOOL. IN DEVELOPING THIS PART OF THE POLICY, THE
16 DEPARTMENT MAY CONSIDER TRAINING PROGRAMS OFFERED BY THE MICHIGAN
17 ASSOCIATION OF SCHOOL NURSES AND BY OTHER PUBLIC HEALTH
18 ORGANIZATIONS.

19 (B) PROCEDURES FOR THE PLACEMENT OF A STUDENT'S PRESCRIBED
20 ANAPHYLAXIS OR ASTHMA MANAGEMENT DEVICE IN A SECURE BUT UNLOCKED
21 LOCATION EASILY ACCESSIBLE BY SCHOOL PERSONNEL TO ENSURE PROMPT
22 ACCESSIBILITY IN THE EVENT OF AN ALLERGIC OR ASTHMA EMERGENCY AT
23 SCHOOL, ON A FIELD TRIP, ON A SCHOOL BUS OR OTHER SCHOOL-PROVIDED
24 OR SCHOOL-COORDINATED TRANSPORTATION, OR AT A SCHOOL-SPONSORED
25 FUNCTION.

26 (C) CREATION OF 1 OR MORE STANDARDIZED EMERGENCY CARE PLAN
27 FORMS FOR ALLERGIC REACTION, AND FOR BOTH ALLERGIC REACTION AND

1 ASTHMA FOR STUDENTS WHO SUFFER FROM BOTH ALLERGY AND ASTHMA. THIS
2 FORM OR FORMS SHOULD INCLUDE AT LEAST ALL OF THE FOLLOWING:

3 (i) A LIST OF ANY FOOD, INSECT STING, LATEX, OR OTHER SUBSTANCE
4 TO WHICH THE STUDENT IS ALLERGIC.

5 (ii) THE SIGNS AND SYMPTOMS OF ANAPHYLAXIS OR ASTHMA, OR BOTH,
6 AND PROCEDURES ON HOW TO RESPOND TO THE SYMPTOMS, INCLUDING
7 MEDICATIONS PRESCRIBED AND THEIR DOSAGES.

8 (iii) AUTHORIZATION OF BOTH THE PARENT OR LEGAL GUARDIAN AND THE
9 PHYSICIAN OR OTHER AUTHORIZED HEALTH CARE PROVIDER FOR THE
10 ADMINISTRATION OF PRESCRIBED MEDICATION BY SCHOOL PERSONNEL FOR
11 EMERGENCY TREATMENT OF ANAPHYLAXIS OR ASTHMA, OR BOTH. THIS PART OF
12 THE MODEL POLICY SHALL BE DESIGNED TO ENSURE THAT THE COMPLETED
13 STANDARDIZED EMERGENCY CARE PLAN FORM OR FORMS, ONCE SIGNED BY THE
14 PARENT OR LEGAL GUARDIAN AND THE PHYSICIAN OR OTHER AUTHORIZED
15 HEALTH CARE PROVIDER ARE SUFFICIENT TO MEET ALL LEGAL AND
16 ADMINISTRATIVE REQUIREMENTS OF SCHOOLS TO HAVE SIGNED PERMISSION
17 FOR ADMINISTRATION OF MEDICATION BY SCHOOL PERSONNEL AND FOR THE
18 STUDENT TO SELF-CARRY AND SELF-ADMINISTER MEDICATIONS, SO THAT
19 ADDITIONAL FORMS DUPLICATING THE INFORMATION SHOULD NOT BE
20 REQUIRED.

21 (iv) AUTHORIZATION FOR AND ASSESSMENT OF THE STUDENT'S
22 READINESS FOR SELF-CARRYING OR SELF-ADMINISTRATION OF PRESCRIPTION
23 MEDICATION PURSUANT TO SECTION 1179.

24 (D) CREATION OF AN INDIVIDUAL HEALTH CARE PLAN OR
25 ACCOMMODATION PLAN FOR EACH INDIVIDUAL STUDENT WHO IS AT RISK FOR
26 ANAPHYLAXIS, PURSUANT TO APPLICABLE PROVISIONS OF SECTION 504 OF
27 TITLE V OF THE REHABILITATION ACT OF 1973, 29 USC 794, AND OTHER

1 APPLICABLE FEDERAL AND STATE LAW. THE PLANS SHALL BE TAILORED TO
2 THE NEEDS OF EACH INDIVIDUAL STUDENT, INCLUDING ANY PROCEDURES FOR
3 THE SELF-ADMINISTRATION OF MEDICATION BY THE CHILD IF THE CHILD IS
4 CAPABLE OF SELF-ADMINISTERING MEDICATION AND IF THE SELF-
5 ADMINISTRATION IS OTHERWISE IN ACCORDANCE WITH SECTION 1179.

6 (4) NOT LATER THAN 1 YEAR AFTER THE EFFECTIVE DATE OF THIS
7 SECTION, EACH SCHOOL BOARD, INTERMEDIATE SCHOOL BOARD, AND PUBLIC
8 SCHOOL ACADEMY BOARD OF DIRECTORS SHALL REVIEW ITS LOCAL POLICY
9 CONCERNING THE MANAGEMENT OF STUDENTS WITH LIFE-THREATENING FOOD,
10 INSECT STING, LATEX, OR OTHER SUBSTANCE ALLERGIES OR ASTHMA AT
11 SCHOOL. THIS REVIEW SHALL TAKE PLACE AT A PUBLIC MEETING.

12 (5) SCHOOL BOARDS, INTERMEDIATE SCHOOL BOARDS, PUBLIC SCHOOL
13 ACADEMY BOARDS OF DIRECTORS, AND NONPUBLIC SCHOOLS ARE ENCOURAGED
14 TO ALIGN THEIR LOCAL POLICIES WITH THE MODEL POLICY DEVELOPED UNDER
15 SUBSECTION (1) AND ARE ENCOURAGED TO PROVIDE APPROPRIATE TRAINING
16 TO PERSONS WHO PARTICIPATE IN THE MANAGEMENT OF STUDENTS WITH LIFE-
17 THREATENING FOOD, INSECT STING, LATEX, OR OTHER SUBSTANCE ALLERGIES
18 OR ASTHMA AT SCHOOL.

19 (6) AS USED IN THIS SECTION, "ANAPHYLAXIS OR ASTHMA MANAGEMENT
20 DEVICE" MEANS AN EPINEPHRINE AUTO-INJECTOR OR EPINEPHRINE INHALER
21 USED TO TREAT ANAPHYLAXIS OR A METERED DOSE INHALER OR DRY POWDER
22 INHALER USED TO ALLEVIATE OR TO PREVENT ASTHMATIC SYMPTOMS.