

1 AN ACT concerning education.

2 WHEREAS, Food allergies are an increasing food safety and
3 public health concern in the United States, especially among
4 children; and

5 WHEREAS, As recognized by the National Institutes of Health
6 (NIH), food allergies are a life-threatening and debilitating
7 disease for more than 12 million Americans, including more than
8 4 million children; food allergies affect more than 500,000
9 Illinois residents, including 93,000 school-aged children
10 (ages 5 through 17); and

11 WHEREAS, Food allergies are increasing at an alarming rate;
12 over a recent 5-year period, the number of children diagnosed
13 with a peanut allergy doubled; and

14 WHEREAS, For many children, eating even a trace amount of
15 an allergenic food can induce a life-threatening reaction;
16 these reactions can include severe vomiting, swelling of the
17 tongue and throat, loss of consciousness, and even death in a
18 relatively short period of time; and

19 WHEREAS, Many of the most common allergens (peanuts, tree
20 nuts, milk, egg, soy, wheat, fish, and shellfish) are staples
21 of the average school child's diet and are also used
22 extensively within many Illinois school lesson plans, such as

1 in art and science projects; and

2 WHEREAS, A recent survey of elementary school nurses found
3 that the average school has 10 children suffering from severe
4 food allergies; 44% of the elementary school nurses surveyed
5 indicated that the number of students with food allergies had
6 increased over the previous 5 years, while only 2% reported a
7 decrease; and

8 WHEREAS, There is currently no cure for this potentially
9 fatal disease, and the only certain path to keep children safe
10 is by following strict safety guidelines specific to each
11 child's individual needs; and

12 WHEREAS, Despite the rights and protections afforded by
13 Section 504 of the Rehabilitation Act of 1973, the Individuals
14 with Disabilities Education Improvement Act of 2004, and the
15 Americans with Disabilities Act of 1990, children with severe
16 food allergies still face unsafe environments in school and
17 elsewhere; and

18 WHEREAS, There are no consistent food allergy management
19 guidelines in place in the State of Illinois; management
20 approaches differ from school to school; and

21 WHEREAS, In order to ensure the health and safety of all

1 children in the school environment, it is necessary for
2 educators, administrators, and school staff to understand the
3 severity of food allergies and to proactively work with parents
4 and health professionals to create clear and consistent
5 guidelines for managing allergies in the school; and

6 WHEREAS, The importance of managing food allergies in the
7 school setting has been recognized by the American Medical
8 Association, the American Academy of Allergy Asthma and
9 Immunology, the American Academy of Pediatrics, the National
10 Association of School Nurses, the National Association of
11 Elementary School Principals, the National School Boards
12 Association, the American College of Allergy Asthma and
13 Immunology, and the Food Allergy & Anaphylaxis Network; and

14 WHEREAS, To create clear and consistent guidelines to
15 provide the best measurable protection within the learning
16 environment and to meet the demands of the dramatically
17 increasing number of children affected by food allergies, the
18 General Assembly deems it in the public interest to enact this
19 Act; therefore

20 **Be it enacted by the People of the State of Illinois,**
21 **represented in the General Assembly:**

22 Section 5. The School Code is amended by adding Section

1 2-3.148 and changing Section 10-22.39 as follows:

2 (105 ILCS 5/2-3.148 new)

3 Sec. 2-3.148. Food allergy guidelines.

4 (a) Not later than July 1, 2010, the State Board of
5 Education, in conjunction with the Department of Public Health,
6 shall develop and make available to each school board
7 guidelines for the management of students with
8 life-threatening food allergies. The State Board of Education
9 and the Department of Public Health shall establish an ad hoc
10 committee to develop the guidelines. The committee shall
11 include experts in the field of food allergens, representatives
12 on behalf of students with food allergies, representatives from
13 the several public school management organizations, which
14 shall include school administrators, principals, and school
15 board members, and representatives from 2 statewide
16 professional teachers' organizations. The guidelines shall
17 include, but need not be limited to, the following:

18 (1) education and training for school personnel who
19 interact with students with life-threatening food
20 allergies, such as school and school district
21 administrators, teachers, school advisors and counselors,
22 school health personnel, and school nurses, on the
23 management of students with life-threatening food
24 allergies, including training related to the
25 administration of medication with an auto-injector;

1 (2) procedures for responding to life-threatening
2 allergic reactions to food;

3 (3) a process for the implementation of individualized
4 health care and food allergy action plans for every student
5 with a life-threatening food allergy; and

6 (4) protocols to prevent exposure to food allergens.

7 (b) Not later than January 1, 2011, each school board shall
8 implement a policy based on the guidelines developed pursuant
9 to subsection (a) of this Section for the management of
10 students with life-threatening food allergies enrolled in the
11 schools under its jurisdiction. Nothing in this subsection (b)
12 is intended to invalidate school district policies that were
13 implemented before the development of guidelines pursuant to
14 subsection (a) of this Section as long as such policies are
15 consistent with the guidelines developed pursuant to
16 subsection (a) of this Section.

17 (105 ILCS 5/10-22.39) (from Ch. 122, par. 10-22.39)

18 Sec. 10-22.39. In-service training programs.

19 (a) To conduct in-service training programs for teachers.

20 (b) In addition to other topics at in-service training
21 programs, school guidance counselors, teachers and other
22 school personnel who work with pupils in grades 7 through 12
23 shall be trained to identify the warning signs of suicidal
24 behavior in adolescents and teens and shall be taught
25 appropriate intervention and referral techniques.

1 (c) School guidance counselors, nurses, teachers and other
2 school personnel who work with pupils may be trained to have a
3 basic knowledge of matters relating to acquired
4 immunodeficiency syndrome (AIDS), including the nature of the
5 disease, its causes and effects, the means of detecting it and
6 preventing its transmission, and the availability of
7 appropriate sources of counseling and referral, and any other
8 information that may be appropriate considering the age and
9 grade level of such pupils. The School Board shall supervise
10 such training. The State Board of Education and the Department
11 of Public Health shall jointly develop standards for such
12 training.

13 (d) In this subsection (d):

14 "Domestic violence" means abuse by a family or household
15 member, as "abuse" and "family or household members" are
16 defined in Section 103 of the Illinois Domestic Violence Act of
17 1986.

18 "Sexual violence" means sexual assault, abuse, or stalking
19 of an adult or minor child proscribed in the Criminal Code of
20 1961 in Sections 12-7.3, 12-7.4, 12-7.5, 12-12, 12-13, 12-14,
21 12-14.1, 12-15, and 12-16, including sexual violence committed
22 by perpetrators who are strangers to the victim and sexual
23 violence committed by perpetrators who are known or related by
24 blood or marriage to the victim.

25 At least once every 2 years, an in-service training program
26 for school personnel who work with pupils, including, but not

1 limited to, school and school district administrators,
2 teachers, school guidance counselors, school social workers,
3 school counselors, school psychologists, and school nurses,
4 must be conducted by persons with expertise in domestic and
5 sexual violence and the needs of expectant and parenting youth
6 and shall include training concerning (i) communicating with
7 and listening to youth victims of domestic or sexual violence
8 and expectant and parenting youth, (ii) connecting youth
9 victims of domestic or sexual violence and expectant and
10 parenting youth to appropriate in-school services and other
11 agencies, programs, and services as needed, and (iii)
12 implementing the school district's policies, procedures, and
13 protocols with regard to such youth, including
14 confidentiality. At a minimum, school personnel must be trained
15 to understand, provide information and referrals, and address
16 issues pertaining to youth who are parents, expectant parents,
17 or victims of domestic or sexual violence.

18 (e) At least every 2 years, an in-service training program
19 for school personnel who work with pupils must be conducted by
20 persons with expertise in anaphylactic reactions and
21 management.

22 (Source: P.A. 95-558, eff. 8-30-07.)

23 Section 99. Effective date. This Act takes effect upon
24 becoming law.