



General Assembly

January Session, 2009

Raised Bill No. 6568

LCO No. 4029

* HB06568ED_APP032409 *

Referred to Committee on Education

Introduced by:
(ED)

AN ACT CONCERNING FOOD ALLERGIES IN SCHOOLS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 10-212c of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2009*):

3 (a) Not later than January 1, 2006, the Department of Education, in
4 conjunction with the Department of Public Health, shall develop and
5 make available to each local and regional board of education
6 guidelines for the management of students with life-threatening food
7 allergies. The guidelines shall include, but need not be limited to: (1)
8 Education and training for school personnel on the management of
9 students with life-threatening food allergies, including training related
10 to the administration of medication with a cartridge injector pursuant
11 to subsection (d) of section 10-212a, (2) procedures for responding to
12 life-threatening allergic reactions to food, (3) a process for the
13 development of individualized health care and food allergy action
14 plans for every student with a life-threatening food allergy, and (4)
15 protocols to prevent exposure to food allergens.

16 (b) Not later than July 1, 2006, each local and regional board of

17 education shall implement a plan based on the guidelines developed
18 pursuant to subsection (a) of this section for the management of
19 students with life-threatening food allergies enrolled in the schools
20 under its jurisdiction. Each local and regional board of education shall
21 make such plan available on its web site.

22 (c) (1) If any board of education fails to implement a plan for the
23 management of students with life-threatening food allergies, in
24 accordance with the provisions of subsection (b) of this section, any
25 parent or guardian of a student enrolled in a public school under such
26 board's jurisdiction, may, in writing, request a hearing by the board of
27 education. The board of education may (A) conduct the hearing, (B)
28 designate a subcommittee of the board composed of three board
29 members to conduct the hearing, or (C) establish a local impartial
30 hearing board of one or more persons not members of the board of
31 education to conduct the hearing. The board, subcommittee or local
32 impartial hearing board shall give such parent or guardian a hearing
33 not later than ten days after receipt of the written request, make a
34 stenographic record or tape recording of the hearing and make a
35 finding not later than ten days after the hearing. Hearings shall be
36 conducted in accordance with the provisions of sections 4-176e to 4-
37 180a, inclusive, and section 4-181a.

38 (2) Any such parent or guardian aggrieved by the finding shall,
39 upon request, be provided with a transcript of the hearing not later
40 than thirty days after such request and may take an appeal from the
41 finding to the State Board of Education. A copy of each notice of
42 appeal shall be filed simultaneously with the local or regional board of
43 education and the State Board of Education. An appeal to the State
44 Board of Education shall be taken not later than twenty days after the
45 date of the mailing of the finding to the parent or guardian. If no
46 appeal is taken during such twenty-day period, the decision of the
47 board, subcommittee or local impartial hearing board shall be final.
48 The local or regional board of education shall, not later than ten days
49 after receipt of notice of an appeal, forward the record of the hearing to

50 the State Board of Education. The State Board of Education shall, on
51 receipt of a written request for a hearing made in accordance with the
52 provisions of this subsection, establish an impartial hearing board of
53 one or more persons to hold a public hearing in the local or regional
54 school district in which the cause of the complaint arises. Members of
55 the hearing board may be employees of the Department of Education
56 or may be qualified persons from outside the department. No member
57 of the board of education under review nor any employee of such
58 board of education shall be a member of the hearing board. Members
59 of the hearing board, other than those employed by the Department of
60 Education, shall be paid reasonable fees and expenses as established
61 by the State Board of Education within the limits of available
62 appropriations. Such hearing board may examine witnesses and shall
63 maintain a verbatim record of all formal sessions of the hearing. Either
64 party to the hearing may request that the hearing board join all
65 interested parties to the hearing, or the hearing board may join any
66 interested party on its own motion. The hearing board shall have no
67 authority to make a determination of the rights and responsibilities of
68 a board of education if such board is not a party to the hearing. The
69 hearing board may render a determination of whether the board of
70 education has failed to implement a plan for the management of
71 students with life-threatening food allergies.

72 (3) The hearing board shall render its decision not later than forty-
73 five days after receipt of the notice of appeal except that an extension
74 may be granted by the Commissioner of Education upon an
75 application by a party or the hearing board describing circumstances
76 related to the hearing which require an extension.

77 (4) The hearing board shall uphold the finding of the local or
78 regional board of education, subcommittee of such board or a local
79 impartial hearing board unless it determines that the finding was
80 arbitrary, capricious or unreasonable. If the hearing board finds that
81 the board of education failed to implement a plan for the management
82 of students with life-threatening food allergies, the hearing board shall

83 order the board of education to make arrangements to implement such
84 plan. If such school officers fail to take action upon such order and no
85 suitable provision is made to implement such plan, by the date thirty
86 days after the date of receipt of the order, there shall be a forfeiture of
87 the money appropriated by the state for the support of schools
88 pursuant to section 10-262i amounting to fifty dollars for each day
89 such plan is not implemented.

90 (5) In the event of an appeal pursuant to section 10-187 from a
91 decision of a hearing board established pursuant to this subsection,
92 upon request, the State Board of Education shall supply, for the fee per
93 page specified in section 1-212, a copy of the transcript of the formal
94 sessions of the hearing board to the parent or guardian or to the local
95 or regional board of education.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2009	10-212c

ED

Joint Favorable C/R

APP