

Education Committee

JOINT FAVORABLE REPORT

Bill No.: HB-5452

AN ACT CONCERNING THE RECOMMENDATIONS OF THE TASK FORCE ON

Title: LIFE-THREATENING FOOD ALLERGIES IN SCHOOLS.

Vote Date: 3/23/2018

Vote Action: Joint Favorable Substitute

PH Date: 3/14/2018

File No.:

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SPONSORS OF BILL:

Education Committee

REASONS FOR BILL:

This bill aims to implement some of the recommendations made by the Taskforce on Life-Threatening Food Allergies in Schools which was established by S.A.15-17 (Substitute House Bill No. 6975). The Taskforce was charged with studying life-threatening food allergies in schools by examining the following: (1) the efficacy of the implementation, dissemination and enforcement of the guidelines for the management of students with life-threatening food allergies and glycogen storage disease, developed by the Department of Education pursuant to section 10-212c of the general statutes, (2) methods used by school districts to ensure the safety of students with life-threatening food allergies while such students are being transported to and from school, (3) the plans for the management of students with life-threatening food allergies and glycogen storage disease, implemented by local and regional boards of education pursuant to section 10- 212c of the general statutes, to ensure the safety of students with life-threatening food allergies and their inclusion as fully participating members in the school community, (4) the emotional and psychosocial welfare of students with life-threatening food allergies as it relates to and is influenced by such students' membership in the school community and how such students are included or excluded from participating in school events, and (5) how instances of isolation or targeting of students with life-threatening food allergies by other students, school staff or school policy are addressed by the school or district administration.

This bill requires the State Department of Education (SDE) to (1) revise existing guidelines for managing students with life-threatening food allergies and diabetes, (2) revise curriculum standards to address food allergies, and (3) apply for funding to promote awareness about food allergies.

For boards of education, it (1) requires them to implement plans based on SDE's guidelines for managing students with these conditions and to make curriculum adjustments and (2) requires school culinary programs to implement allergen restrictions and safety protocols.

The bill also allows bus personnel to administer an epinephrine cartridge injectors or medication to a child having an allergic reaction if there is prior written authorization from their parent or guardian granting them permission and removes them from civil liability in such cases.

Substitute Language

The substitute language removes the language allowing school bus personnel to administer medication to students with prior written authorization and granting them civil immunity. It also removes language (1) requiring SDE to work with DPH to develop model safety protocol for school bus personnel when a student is experiencing a food allergy emergency and (2) allowing boards of education to include this model safety protocol in any contract for school transportation services entered into on/after October 1, 2019.

EFFECTIVE DATE: July 1, 2018, Section 1, Section 2, From Passage

RESPONSE FROM ADMINISTRATION/AGENCY:

Dianna R. Wentzell, Commissioner, Connecticut Department of Education:

Commissioner Wentzell testified that the Department is unable to support this bill for several reasons. This proposal would, in part, require the Department to revise the guidelines for life threatening Food Allergies, as well as revise the Healthy and Balanced Living Framework and update culinary arts standards. It also requires the Department to work with the Department of Public Health to develop a model school bus safety protocol. This would be a significant undertaking. The Department does not have the capacity to carry out this work or the resources to hire additional staff. Additionally, consistent with her testimony for Raised House Bill 5341, the Department has serious concerns with any language pertaining to training school bus drivers to administer medications, especially when there is no specificity around the types of emergencies or medications they will be required to administer.

NATURE AND SOURCES OF SUPPORT:

Scott Zweig, West Hartford, parent of a child with Life-Threatening Food Allergies:

Mr. Zweig was introduced by Representative Laura Devlin of the 134th Assembly District. Mr. Zweig shared his experience as a father of a 5 year old girl with a life threatening tree nut allergy and how stressful it is to send his daughter to school each day. He implored the committee to pass this legislation to help save lives. He cited the recent death of Amanda Huynh, a 12 year old girl in Georgia who died from anaphylaxis after eating a granola bar on the school bus and not getting medical help in time. Mr. Zweig also demonstrated to the committee how easy it is to administer an Epi-Pen.

Jessica Curran, Parent member of the Legislative Taskforce on Life-Threatening Food Allergies in Schools:

Ms. Curran was introduced by Representative Brenda Kupchick of the 132nd Assembly District. She is a mother of two 12 year old boys with life threatening food allergies and served on the Taskforce. She asked the committee to support the bill but asked that Section 1 be strengthened to require that the guidelines and training modules be updated at least biennially. She also pointed out that it is acceptable for districts to vary certain

implementation tactics, but it is not acceptable for adherence to medical protocol and federal disability and discrimination laws to vary. She also believes that Section 3 should be amended to require that an individual (school or bus company personnel) who has received the required training will be on every bus carrying a child with a life-threatening food allergy.

Erin Spaulding, Parent, Co-Chair of the Taskforce on Life-Threatening Food Allergies in Schools & Vice President of Food Allergy Research & Education (FARE):

Erin Spaulding submitted testimony in support of the bill. Her testimony explained that there need not be a fiscal impact for the training of bus drivers and other staff as FARE produced an online training product that is available free of charge.

Judy Goldberg, Vice President of Government Relations, Connecticut PTA:

CT PTA submitted testimony in support of the bill. They believe that providing guidelines for management of students with life-threatening food allergies in school and on school buses will greatly protect our students by making sure that there is trained personnel around to assist in the case of a medical emergency and a protocol to follow..

Pam Minicucci, North Haven, EMT, Mother of 2 children with food allergies, Bus Driver:

Pam Minicucci submitted testimony in support of the bill from her perspective as an EMT, parent of a child with life-threatening food allergies, and a bus driver. She believes the current protocol of just pulling over; contacting dispatch on her radio, and waiting for emergency personnel to arrive is insufficient and dangerous. She also explained that in her district, bus drivers receive no formal medical training other than the required 6 hours of yearly safety meetings. She also believes it would more traumatic for the other kids on the bus to watch a child die than to watch a child's life be saved.

Tricia Donovan, parent:

Tricia Donovan submitted testimony asking the committee to support the bill, but requested the language be amended. She asked for the following changes:

- Amend Section 1 by removing "as necessary" and replacing it with "according to current medical, legal, and safety standards of care at least biennially."
- Insert a number 6) protocols and training for the identification and evaluation of students with life-threatening food allergies for protections and accommodations under Section 504 of the Rehabilitation Act of 1973, ADA and/or IDEA.
- Add a section for self-carry (separated from self-administer),
- Amend Section 3 by deleting the word *annually* from line 85 and substitute *as needed*. Delete all references to section 10-212a.
- Delete *may include in whole or in part* and substitute *shall include a model school bus safety protocol*.
- Delete section 5 completely, removing nurse supervision of bus drivers.

Kathryn & Eric Sherman, Ridgefield, parents of a child with Life-Threatening Food Allergies:

Mr. & Mrs. Sherman submitted testimony in support of HB 5452, particularly the provisions pertaining to bus drivers. They urge the committee to pass the bill and think it is the bus driver's job to help keep the kids on their bus safe.

Julia Zweig, West Hartford, parent of a child with Life-Threatening Food Allergies:

Julia Zweig submitted testimony regarding her 5 year old daughter who has a life-threatening food allergy to tree nuts. She explained that she is comfortable with her daughter's safety at school but is very concerned about her safety on the school bus, especially in light of the tragic story of Amanda Huynh. She urged the committee to pass the bill.

Marie Mallory, Riverton, CT National Director of Community Engagement Programs, Food Allergy Research & Education (FARE):

Marie submitted testimony on behalf of FARE including the following information for guidelines and policy changes:

- Research suggests that the majority of fatal food allergy reactions are triggered by food consumed outside one's home.
- More than 15 percent of school-aged children with food allergies have had a reaction in school.
- In a 2013-2014 survey of schools participating in a program to provide undesignated epinephrine for emergency use, over 600 schools reported at least one case of anaphylaxis.
- Approximately 20-25 percent of epinephrine administrations in schools involve individuals whose allergy was unknown at the time of the reaction.
- Food allergy reactions can happen in multiple locations throughout the school, and are not limited to the cafeteria. Care must be exercised during bake sales, classroom parties, field trips, and other opportunities for snacking.
- Only 30 percent of reporting districts in Connecticut require bus drivers to have training in anaphylaxis and administering epinephrine and there is no consistent policy among school districts.

Kerry-Lynne Abtahi, New Canaan, CT, advocate with Food Allergy Research & Education (FARE):

Kerry-Lynne Abtahi submitted testimony in support of the bill. Her testimony contained these facts regarding food allergies in CT.

- In Connecticut, up to 8 percent of children have a food allergy.
- Connecticut is among the top five states for food anaphylactic food reactions and food allergy diagnosis insurance claims.
- Epinephrine is the first-line treatment for anaphylaxis. It is safe and simple to administer.
- Only 30 percent of reporting districts require bus drivers to have training in anaphylaxis and administering epinephrine.
- Current State Department of Education (CSDE) guidelines for students with food allergies were written in 2006, updated in 2012, and are out of date with current medical and legal standards of care. As an example, CSDE guidelines do not acknowledge food allergies may be considered a disability under the ADA and Section 504 of the Rehabilitation Act of 1973.

Sarah Muratore, CT parent of a child with food allergies:

Sarah Muratore submitted testimony in support of the bill citing many of the facts provided above by FARE.

The following list of individuals submitted almost identical testimony as Ms. Abtahi citing information and statistics regarding food allergies provided by FARE.

Marilyn Adams, Torrington, CT
Rosemary Allen, Shelton, CT
Lyra Altman, Greenwich, CT
Jenny Andjelkovic, Wilton, CT
Alisa Barkan, parent, Ridgefield, CT
Fran Batesole, Goshen, CT
Kirsten Belanger, Old Saybrook, CT
Gavin Berky, Windsor, CT
Dr. Carolyn Blicharz, Ivoryton, CT
Selena Boyts, Deep River, CT
Lindsey Bredbury, North Branford, CT
Tina Carlos, Trumbull, CT
Maryane Chapman, Monroe, CT
Margaret Child, Monroe, CT
Brewster Clancy, Bethel, CT
Christina Coelho, Woodbury, CT
Robin Comey, Branford, CT
Melanie Cotto, Enfield, CT
Sharon Creco, Orange, CT
Amanda Crowley, Sandy Hook, CT
Colette Curran, parent, Old Greenwich, CT
Denis Curran, grandparent, Cos Cob, CT
Helen Curran, grandparent, Cos Cob, CT
Caroline Dankowski, R.N., Ridgefield, CT
Vanessa Darmofal, Branford, CT
Miss Abby Della Valle, Westport, CT
Suzanne DeLuca, parent, Branford, CT
Jenny DePaul, Clinton, CT
Karen DeVille, parent, Bristol, CT
Linda Devlin, Manchester, CT
Jack Diamond, Hamden, CT
Jessica Dipillo, Glastonbury, CT
Kim Dolliver, parent, Westport, CT
Andrew Dunn, Middletown, CT
Kathleen Dunn, Middlefield, CT
Matthew Dunn, Middletown, CT
Nicole Dunn, parent, Middletown, CT
Samuel Dunn, age 8, Middletown, CT
Katie Dwelly, parent, Vernon, CT
Connor Erickson, Branford, CT
Kevin Erickson, Branford, CT
Taylor Erickson, Branford, CT
Allison Ericson, Trumbull, CT
Chris Ferrando, Fairfield, CT
Jennifer Ferrando, Fairfield, CT
Rina Fochu, Trumbull, CT

Amber Galindo, Moosup, CT
Cecilia Gargano, Wilton, CT
Kerry Gargano, Wilton, CT
Heidi Garner, Amston, CT
Kristen Gillis, Simsbury, CT
Lauren Goldberg, Weston, CT
Gail Golden, parent, Southport, CT
Jolie Goldring, Greenwich, CT
Sharon Greco, Orange, CT
Rebecca Hastings, Guilford, CT
Mary Healy, Hebron, CT
Lisa Hofmeister, Westport, CT
Kate Hollander, Westport, CT
Nisha Hurst, parent, Greenwich, CT
Debra Hysten, Clinton, CT
Kelly Jacobson, parent, Southport, CT
Dwight Johnson, South Windsor, CT
Jeff Karish, Riverside, CT
Stuart Katz, parent, Woodbridge, CT
Lindsay Kelly, Waterford, CT
Chuck Kennedy, Southbury, CT
Jessica Kern, Terryville, CT
Chrissy Khachane, Orange, CT
Fiona Kirk, Glastonbury, CT
Ruth Kubik, Avon, CT
Gina Lee, M. Ed, Branford, CT
Melissa Lowe, Newtown, CT
Jennifer Lyons, Redding, CT
Jaclyn Martinelli, Northford, CT
Christopher Mascera, Greenwich, CT
Janine McDermott, Fairfield, CT
Doug Melson, Fairfield, CT
Debra Meno, Easton, CT
Nicole Merlo-White, Norwalk, CT
Samantha Merwin, Haddam, CT
Amy Michelin, Monroe, CT
Letty Morrissey, Middletown, CT
Jeremy Muratore, Milford, CT
Jennifer Necci, Glastonbury, CT
Clarixa Negrón, Bridgeport, CT
Marianne Neville, New Canaan, CT
Hilary Nickerson, Wallingford, CT
Kristen Norige, Middletown, CT
Emily Oakes, Gifford, CT
Kristin Ossino, Glastonbury, CT
Kimberlee Parlee, West Haven, CT
Evan Penalba, Trumbull, CT
Lauren Penalba, Trumbull, CT
Lisa Pomerance, Stamford, CT

Bronwyn Prytherch-Graham, Fairfield, CT
Kate Reamer, parent, Glastonbury, CT
Jenna Right, Stratford, CT
Eva Roldan, Greenwich, CT
Toni Ann Rotondo, Redding, CT
Gean Rubio, Shelton, CT
Lee Saveliff, Westport, CT
Dr. Larry Scheer, Allergy Specialist, Waterbury, CT
Autumn Schless, Simsbury, CT
Deborah Sencen, Weston, CT
Heather Serignese, Glastonbury, CT
Aryan Shayegani, Westport, CT
Elizabeth Speciale, Middletown, CT
Marquerite Sperrazza, Stamford, CT
Jamie Sposa, Clinton, CT
Amy Stiber, Bethany, CT
Sonya Talbot, Fairfield, CT
Dr. Kelly Tuller, parent, Fairfield, CT
Doug Whittaker, Deep River, CT
Emily Wrann, Ivoryton, CT
Danny & Jill Zanchetti, parents, Guilford, CT
Kim Zolvik, Branford, CT
Mary Zubrinsky, Easton, CT

NATURE AND SOURCES OF OPPOSITION:

Donald Devivo, President, CT School Transportation Association (COSTA) w/ Jean Cronin, Hughes & Cronin, Public Affairs Strategies Inc.:

Jean Cronin & Donald Devivo testified on behalf of COSTA that they have concerns about the practicality of this bill. They explained how the school bus drivers already have a very tough job that requires a great deal of training and since they are focused on the road with their backs to the children it is not practical to expect that they can be watching for signs of anaphylaxis. They went on to explain that the drivers are not medical personnel, and that these training mandates would come at a cost to the towns and bus companies. They also added their concern that the increased mandates and responsibilities being placed on bus drivers is adding to the bus driver shortage in the state as it is scaring away quality applicants.

Connecticut Trial Lawyers Association (CTLA):

CTLA submitted testimony in opposition to Section 5 of the bill which aims to exempt bus personnel from civil liability. They do not believe this change is necessary since the bus personnel's actions would be considered reasonable, so it would not create liability against them in the first place. They also object to the expansion of the state's immunity laws in this section of the statutes which has typically only been extended to nurses and other individuals under their direct supervision or in their absence. CTLA is however, supportive of the majority of the provisions in the bill.

Donna Kosiorowski, RN, MS, NCSN, Association of School Nurses of CT (ASNC), CT Nurses Association:

ASNC and CT Nurses Association submitted testimony in opposition to sections 3-6 of this bill and several of their members spoke at the hearing. They don't believe school nurses should be training or supervising school bus personnel because in most cases they are not district employees and because they can't supervise remotely.. In section 3 they oppose the language that says that the bus lists need to be updated annually as they explained that the lists are updated as medical needs change, which is more than once a year.

Chlo-Anne Bobrowski RN, MSN, Association of School Nurses of Connecticut (ASNC):

Chlo-Anne Bobrowski also submitted written testimony on behalf of ASNC. Her testimony also explains that ASNC would like to propose that students be allowed to carry their own epinephrine cartridge injectors for self-administration and that those who may not be able to self-administer should be allowed to carry their own for use by trained personnel. ASNC also requested that training of bus drivers in the administration of epinephrine cartridge injectors and CPR be added to existing training requirements as outlined in Section 14-276a of the Department of Motor Vehicle statutes.

Reported by: Amy L. Orschel

Date: April 3, 2018