

**PUBLIC ACT 96-0349: FOOD ALLERGY REQUIREMENTS FOR SCHOOLS**

On August 13, 2009, Public Act 96-0349 became effective and required the Illinois State Board of Education (ISBE), in conjunction with the Illinois Department of Public Health (DPH), to develop guidelines for the management of students with life-threatening food allergies. The Act requires school boards to implement a policy based on these guidelines no later than January 1, 2011. The Act also requires that persons with expertise in anaphylactic reactions and management conduct an in-service training program for school personnel who work with pupils at least every two years. The ISBE and DPH have developed the guidelines, entitled "Guidelines for Managing Life-Threatening Food Allergies in Illinois Schools." The Guidelines were developed by an ad hoc committee comprised of experts in the field of food allergens, representatives on behalf of students with food allergies, representatives of public schools, and representatives from teachers' organizations. The appendices to the Guidelines contain several forms, letters, checklists and other resources that will be helpful to districts in conducting their training and developing Emergency Action Plans and Individual Health Care Plans.

At this time, Klein, Thorpe & Jenkins, Ltd. has developed a policy that comports with the law and the guidelines, which we can make available to school districts.

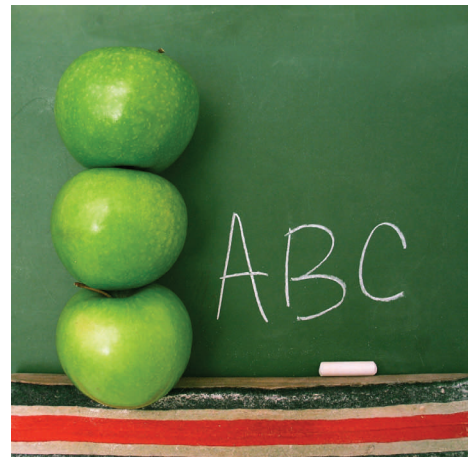
The Guidelines can be found here:

[http://www.isbe.net/nutrition/pdf/food\\_allergy\\_guidelines.pdf](http://www.isbe.net/nutrition/pdf/food_allergy_guidelines.pdf)

Legal references: Public Act 96-0349; 105 ILCS 5/2-3.148; 105 ILCS 5/10-22.39; 105 ILCS 5/22-30

For more information about matters discussed in this issue, please contact any one of the following KTJ School Law Attorneys:

Jim Bartley	Mike Duggan
Scott Uhler	Tom Melody
Kathie Henn	Julie Lewis
Don Renner	Greg Smith
	Howie Jablecki

**Practice Tip**

While the Law and the Guidelines focus on food allergies, it is important to note that students with other life-threatening allergies, e.g. latex, insect stings, may be eligible for Emergency Action Plans, Individual Health Care Plans and 504 Plans depending on the severity of their allergy and whether it impacts their ability to access their education.

Klein, Thorpe & Jenkins, Ltd.

Chicago

20 N. Wacker Drive, Suite 1660  
Chicago, IL 60606  
T 312.984.6400 F 312.984.6444

Orland Park

15010 S. Ravinia Avenue, Suite 10  
Orland Park, IL 60462  
T 708.349.3888 F 708.349.1506