

111TH CONGRESS  
1ST SESSION

# S. 2817

To amend part D of title V of the Elementary and Secondary Education Act of 1965 to provide grants to schools for the development of asthma management plans and the purchase of asthma inhalers and spacers for emergency use, as necessary.

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## IN THE SENATE OF THE UNITED STATES

NOVEMBER 30, 2009

Mrs. GILLIBRAND introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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## A BILL

To amend part D of title V of the Elementary and Secondary Education Act of 1965 to provide grants to schools for the development of asthma management plans and the purchase of asthma inhalers and spacers for emergency use, as necessary.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. ASTHMA MANAGEMENT PLANS.**

4       (a) AMENDMENT.—Part D of title V of the Elemen-  
5       tary and Secondary Education Act of 1965 (20 U.S.C.  
6       7241 et seq.) is amended by adding at the end the fol-  
7       lowing:

**“Subpart 22—Asthma Management Plans**

**“SEC. 5621. ASTHMA MANAGEMENT PLANS.**

“(a) GRANTS AUTHORIZED.—

“(1) IN GENERAL.—The Secretary is authorized to award a grant to a school that receives funding under part A of title I and is located in an area that the Secretary determines has a high prevalence of asthma (using such indicators as emergency department visits due to asthma or asthma hospitalization rates), to enable the school to—

“(A) develop and implement an asthma management plan; and

“(B) purchase asthma inhalers or spacers, or both, and appropriate supplies determined necessary by the Secretary, for students, so that every student served by the school who suffers from asthma has access to the relief and treatment the student needs during the school day.

“(2) ALTERNATIVE GRANTEES.—The Secretary may award a grant under this section to a local health or education department to carry out the activities described in this section if the Secretary determines that in such local area such department is the entity that would routinely carry out such activities.

1       “(b) APPLICATION.—A school or department that de-  
2       sires to receive a grant under this section shall submit an  
3       application at such time, in such manner, and accom-  
4       panied by such information as the Secretary may require.

5       “(c) USE OF GRANT FUNDS.—A school or depart-  
6       ment that receives a grant under this section shall develop  
7       and implement a comprehensive school asthma manage-  
8       ment plan, and may purchase asthma inhalers or spacers,  
9       or both, for emergency use, for students served by the  
10      school or department, as needed, as well as devices that  
11      measure pulmonary function or asthma education tools,  
12      or both. Such management plan shall include the fol-  
13      lowing:

14           “(1) A method to identify all students with a  
15      diagnosis of asthma.

16           “(2) An asthma action plan for each student  
17      with a diagnosis of asthma.

18           “(3) Asthma education for all school staff.

19           “(4) Access to medication and to methods to  
20      administer medication, for all students served by the  
21      school or department who have asthma, based on the  
22      student’s prescription and individual needs.

23           “(5) Asthma medication and emergency policies  
24      that are specific to the school.

1           “(6) Protocols and training to support clinical  
2           management of acute symptoms of asthma and on-  
3           going management of asthma.

4           “(7) A system to support ongoing coordination  
5           of asthma care with the family, the primary care  
6           provider, and others as necessary.

7           “(8) A method to monitor the quality and out-  
8           comes of the care provided to each student served by  
9           the school or department who has asthma, including  
10          how often treatment is needed and what treatment  
11          students get.

12          “(d) GRANT RECIPIENT ACTIONS.—A school or de-  
13          partment that receives a grant under this section shall—

14               “(1) utilize existing systems, when possible, in-  
15               cluding the use of forms developed in accordance  
16               with section 504 forms of the Rehabilitation Act of  
17               1973 (20 U.S.C. 794);

18               “(2) find innovative ways—

19                       “(A) to encourage bidirectional commu-  
20                       nication between schools and students’ physi-  
21                       cians in a rapid manner; and

22                       “(B) to encourage adherence to asthma  
23                       treatment by students; and

1           “(3) ensure that a nurse or another individual  
 2           who is trained to administer emergency asthma care  
 3           is on staff.

4           “(e) AUTHORIZATION OF APPROPRIATIONS.—There  
 5           are authorized to be appropriated to carry out this section  
 6           \$100,000,000 for fiscal year 2010 and each of the 4 suc-  
 7           ceeding fiscal years.”.

8           (b) TABLE OF CONTENTS.—The table of contents in  
 9           section 2 of such Act is amended by inserting after the  
 10          item relating to section 5618 the following:

“SUBPART 22—ASTHMA MANAGEMENT PLANS

“Sec. 5621. Asthma management plans.”.

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