

SCHOOL LUNCH, PART II

The Facts

Liana Pace was a five-year-old student at Hillcrest Elementary School in Frederick, Maryland. The little girl was highly allergic to peanuts. Her mother Nicole had alerted the school nurse of the allergy, provided the necessary medication, and assumed all would be well. In November 2005, Liana arrived at school without her usual bag lunch. She did not have money to purchase a school lunch, so the school cafeteria worker offered Liana a federally subsidized lunch: a peanut butter sandwich. Liana protested, saying she wasn't allowed to have peanut butter. But, the cafeteria worker insisted and Liana complied. Liana's throat soon began to swell and she became confused. The child was rushed to the hospital where she was successfully treated for anaphylactic shock.

Nicole Pace sued the State of Maryland, the state Department of Education, the Frederick County Board of Education, and Frederick County Public Schools for her daughter's unfortunate event. The mother was upset that the school nurse had not informed the cafeteria workers of her child's peanut allergy.

You Be the Judge

Were the school system and the State of Maryland responsible for protecting Liana Pace from eating food to which she was allergic?

The Outcome

The Frederick County Public Schools provided a financial settlement to the Pace family prior to the court proceedings. The lawsuit against Maryland, the Board of Education, and other state entities went to court. The court dismissed the lawsuit, stating that the state agencies were not responsible for ensuring that school lunches meet the needs of students with special dietary needs, including food allergens. The case then went to the Maryland Court of Appeals where the court ruled in favor of Maryland and the Board of Education. Schools are required to provide nutritious lunches to students, but do not have a duty to meet the special food requirements of students, nor to ensure that students do not eat foods that may be individually harmful.

Let's Talk About It

- If you were Liana's mother, what would you do to ensure that your child did not consume food to which she was allergic?
- Was the school nurse responsible for flagging Liana in some way to ensure that she did not eat peanuts? Should the school nurse have spoken to the cafeteria workers about the allergy? Why or why not?
- Are you allergic to any foods? If so, how did you discover your allergy? What is your favorite food?