



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB3822

Introduced 2/11/2010, by Sen. Heather Steans

SYNOPSIS AS INTRODUCED:

New Act

105 ILCS 5/10-22.21b

30 ILCS 805/8.34 new

from Ch. 122, par. 10-22.21b

Creates the Care of Students with Diabetes Act. Requires a parent or guardian to submit a diabetes care plan for a student with diabetes who seeks assistance with diabetes care in the school setting (whether a public or a private school). Provides that a delegated care aide shall perform the activities and tasks necessary to assist a student with diabetes in accordance with his or her diabetes care plan. Requires training for school employees and delegated care aides. Requires that an information sheet be provided to any school employee who transports a student for school-sponsored activities. Sets forth what a student with diabetes must be permitted to do. Provides that a school district may not restrict the assignment of a student with diabetes to a particular school on the basis that the school does not have a full-time school nurse, nor may a school deny a student access to any school or school-related activities on the basis that a student has diabetes. Provides for school employee protections against retaliation, civil immunity, and rights under federal law. Amends the School Code. In provisions concerning the administration of medication, provides that under no circumstances shall teachers or other non-administrative school employees, except certified school nurses, non-certificated registered professional nurses, and advanced practice nurses (currently, except certified school nurses and non-certified registered professional nurses) be required to administer medication to students. Amends the State Mandates Act to require implementation without reimbursement. Effective immediately.

LRB096 20812 MJR 36577 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the Care
5 of Students with Diabetes Act.

6 Section 5. Legislative findings. The General Assembly
7 finds the following:

8 (1) Diabetes is a serious chronic disease in which the
9 pancreas does not make insulin (Type 1) or the body cannot
10 use insulin properly (Type 2).

11 (2) Diabetes must be managed 24 hours a day to avoid
12 the potentially life-threatening, short-term consequences
13 of low blood sugar and prevent or delay the serious
14 complications caused by blood sugar levels that are too
15 high for too long, such as atherosclerosis, coronary artery
16 disease, peripheral vascular disease, hypertension,
17 blindness, kidney failure, amputation, and stroke.

18 (3) Federal law affords people with diabetes specific
19 rights and protections. These laws include Section 504 of
20 the Rehabilitation Act of 1973, the Individuals with
21 Disabilities Education Improvement Act of 2004, and the
22 Americans with Disabilities Act of 1990 and the ADA
23 Amendments Act of 2008.

1 (4) Because these federal laws are not implemented or
2 enforced consistently in schools and school districts
3 throughout this State, students with diabetes are
4 discriminated against, their educational opportunities are
5 compromised, and their health and safety are jeopardized.

6 (5) A trained school nurse is the most appropriate
7 person in a school setting to provide for all students'
8 healthcare needs; however, a school nurse may not be
9 available when needed, and many schools do not have a
10 full-time nurse.

11 (6) Many students are capable of checking their blood
12 glucose levels, calculating a carbohydrate-to-insulin
13 ratio, and administering insulin independently. Allowing
14 capable students to manage diabetes independently in
15 school is consistent with the recommendations of pediatric
16 endocrinologists and certified diabetes educators and
17 other specialists.

18 (7) Because appropriate and consistent diabetes care
19 decreases the risks of serious short-term and long-term
20 complications, increases a student's learning
21 opportunities, and promotes individual and public health
22 benefits, the General Assembly deems it in the public
23 interest to enact this Act.

24 Section 10. Definitions. As used in this Act:

25 "Delegated care aide" means a school employee who has

1 volunteered to receive training in diabetes care and to assist
2 students in implementing their diabetes care plan and has
3 entered into an agreement with a parent or guardian.

4 "Diabetes care plan" means a document that specifies the
5 diabetes-related services needed by a student at school and at
6 school-sponsored activities and delegates the authority to
7 provide and supervise these services to delegated care aides.

8 "Principal" means the senior administrative executive of a
9 school and includes the principal's designee or designees.

10 "School" means any primary or secondary public, charter, or
11 private school located in this State.

12 "School employee" means a person who is employed by a
13 public school district or private school, a person who is
14 employed by a local health department and assigned to a school,
15 or a person who contracts with a school or school district to
16 perform services in connection with a student's diabetes care
17 plan.

18 Section 15. Diabetes care plan.

19 (a) A diabetes care plan must be signed and submitted by a
20 parent or guardian for any student with diabetes who seeks
21 assistance with diabetes care in the school setting. The
22 diabetes care plan shall include the treating doctor or nurse
23 practitioner's instructions concerning the student's diabetes
24 management during the school day, including a copy of a
25 prescription and the methods of insulin administration.

1 (b) The services and accommodations specified in a diabetes
2 care plan must be reasonable, reflect the current standard of
3 diabetes care, and include appropriate safeguards to ensure
4 that syringes and lancets are disposed of properly.

5 (c) A diabetes care plan must be submitted to the school at
6 the beginning of the school year; upon enrollment, as soon as
7 practicable following a student's diagnosis; or when a
8 student's care needs change during the school year.

9 Section 20. Delegated care aides.

10 (a) Delegated care aides shall perform the activities and
11 tasks necessary to assist a student with diabetes in accordance
12 with his or her diabetes care plan and in compliance with any
13 guidelines provided during training under Section 25 of this
14 Act.

15 (b) The principal shall ensure the school has at least one
16 delegated care aide present and available at the school during
17 all school hours and, as needed, during extracurricular and
18 other school-sponsored activities.

19 (c) Delegated care aides are authorized to provide
20 assistance by a student's parents or guardian.

21 Section 25. Training for school employees and delegated
22 care aides.

23 (a) All school employees shall receive training in the
24 basics of diabetes care, how to identify when a student with

1 diabetes needs immediate or emergency medical attention, and
2 whom to contact in case of an emergency.

3 (b) Delegated care aides must be trained to perform the
4 tasks necessary to assist a student with diabetes in accordance
5 with his or her diabetes care plan, including training to do
6 the following:

7 (1) check blood glucose and record results;

8 (2) recognize and respond to the symptoms of
9 hypoglycemia;

10 (3) recognize and respond to the symptoms of
11 hyperglycemia;

12 (4) estimate the number of carbohydrates in a snack or
13 lunch;

14 (5) administer insulin according to the student's
15 diabetes care plan and keep a record of the amount
16 administered; and

17 (6) respond in an emergency, including how to
18 administer glucagon.

19 (c) The principal shall coordinate the training of
20 delegated care aides.

21 (d) Training must be provided by a licensed healthcare
22 provider with expertise in diabetes and individualized by a
23 student's parent or guardian.

24 (e) An information sheet must be provided to any school
25 employee who transports a student for school-sponsored
26 activities. It shall identify the student with diabetes,

1 identify potential emergencies that may occur as a result of
2 the student's diabetes and the appropriate responses to such
3 emergencies, and provide emergency contact information.

4 (f) Delegated care aides must provide a written record of
5 any medical response, including insulin administration, that
6 is not included in the student's diabetes care plan to the
7 school nurse, parent, or treating doctor or advanced practice
8 nurse.

9 Section 30. Self-management. In accordance with his or her
10 diabetes care plan, a student must be permitted to do the
11 following:

- 12 (1) check blood glucose when and wherever needed;
- 13 (2) administer insulin with the insulin delivery
14 system used by the student;
- 15 (3) treat hypoglycemia and hyperglycemia and otherwise
16 attend to the care and management of his or her diabetes in
17 the classroom, in any area of the school or school grounds
18 and at any school-related activity or event; and
- 19 (4) Possess on his or her person, at all times, the
20 supplies and equipment necessary to monitor and treat
21 diabetes, including, but not limited to, glucometers,
22 lancets, test strips, insulin, syringes, insulin pens and
23 needle tips, insulin pumps, infusion sets, alcohol swabs, a
24 glucagon injection kit, glucose tablets, and food.

1 Section 35. Restricting access to school prohibited. A
2 school district may not restrict the assignment of a student
3 with diabetes to a particular school on the basis that the
4 school does not have a full-time school nurse, nor may a school
5 deny a student access to any school or school-related
6 activities on the basis that a student has diabetes.

7 Section 40. Protections against retaliation. A school
8 employee shall not be subject to any penalty, sanction,
9 reprimand, discharge, demotion, denial of a promotion,
10 withdrawal of benefits, or other disciplinary action for
11 choosing not to volunteer to serve as a delegated care aide.

12 Section 45. Civil immunity.

13 (a) A school or a school employee is not liable for civil
14 or other damages as a result of conduct, other than willful or
15 wanton misconduct, related to the care of a student with
16 diabetes.

17 (b) A school employee shall not be subject to any
18 disciplinary proceeding resulting from an action taken in
19 compliance with this Act, unless the action constitutes willful
20 or wanton misconduct.

21 Section 50. Federal law. Nothing in this Act shall limit
22 any rights available under federal law.

1 Section 90. The School Code is amended by changing Section
2 10-22.21b as follows:

3 (105 ILCS 5/10-22.21b) (from Ch. 122, par. 10-22.21b)

4 Sec. 10-22.21b. Administering medication. To provide for
5 the administration of medication to students. It shall be the
6 policy of the State of Illinois that the administration of
7 medication to students during regular school hours and during
8 school-related activities should be discouraged unless
9 absolutely necessary for the critical health and well-being of
10 the student. Under no circumstances shall teachers or other
11 non-administrative school employees, except certified school
12 nurses, ~~and~~ non-certificated registered professional nurses,
13 and advanced practice nurses, be required to administer
14 medication to students. This Section shall not prohibit a
15 school district from adopting guidelines for
16 self-administration of medication by students. This Section
17 shall not prohibit any school employee from providing emergency
18 assistance to students.

19 (Source: P.A. 91-719, eff. 6-2-00.)

20 Section 95. The State Mandates Act is amended by adding
21 Section 8.34 as follows:

22 (30 ILCS 805/8.34 new)

23 Sec. 8.34. Exempt mandate. Notwithstanding Sections 6 and 8

1 of this Act, no reimbursement by the State is required for the
2 implementation of any mandate created by this amendatory Act of
3 the 96th General Assembly.

4 Section 99. Effective date. This Act takes effect upon
5 becoming law.