

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) When these federal laws are not implemented or
2 enforced consistently in school, students with diabetes
3 are discriminated against, their educational opportunities
4 are compromised, and their health and safety is
5 jeopardized.

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

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

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

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

24 "Delegated care aide" means a school employee who has
25 agreed to receive training in diabetes care and to assist

1 students in implementing their diabetes care plan and has
2 entered into an agreement with a parent or guardian and the
3 school district or private school.

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 identifies the appropriate
7 staff to provide and supervise these services.

8 "Health care provider" means a physician licensed to
9 practice medicine in all of its branches, advanced practice
10 nurse who has a written agreement with a collaborating
11 physician, or a physician assistant who has been delegated a
12 duty by his or her supervising physician.

13 "Principal" means the senior administrative school
14 employee.

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

17 "School employee" means a person who is employed by a
18 public school district or private school, a person who is
19 employed by a local health department and assigned to a school,
20 or a person who contracts with a school or school district to
21 perform services in connection with a student's diabetes care
22 plan.

23 Section 15. Diabetes care plan.

24 (a) A diabetes care plan shall be signed by a student's
25 parent or guardian and submitted to the school for any student

1 with diabetes who seeks assistance with diabetes care in the
2 school setting, unless the student has been managing his or her
3 diabetes care in the school setting before the effective date
4 of this Act, in which case the student's parent or guardian may
5 sign and submit a diabetes care plan under this Act. The
6 diabetes care plan shall include the treating doctor or nurse
7 practitioner's instructions concerning the student's diabetes
8 management during the school day, including requirements for
9 diet, glucose testing, insulin administration, and treatment
10 for hypoglycemia, hyperglycemia, and emergency situations.

11 (b) The services and accommodations specified in a diabetes
12 care plan shall be reasonable, reflect the current standard of
13 diabetes care, and include appropriate safeguards to ensure
14 that syringes and lancets are disposed of properly.

15 (c) A diabetes care plan shall include a uniform record of
16 glucometer readings and insulin administered by the school
17 nurse or delegated care aide during the school day and shall
18 use the form contained in "Helping Students with Diabetes
19 Succeed at School", a reference and care guide published by the
20 U.S. Department of Health and Human Services.

21 (d) A diabetes care plan shall be submitted to the school
22 at the beginning of the school year; upon enrollment, as soon
23 as practical following a student's diagnosis; or when a
24 student's care needs change during the school year. Parents
25 shall be responsible for informing the school in a timely
26 manner of any changes to the diabetes care plan and their

1 emergency contact numbers.

2 Section 20. Delegated care aides.

3 (a) Delegated care aides shall perform the activities and
4 tasks necessary to assist a student with diabetes in accordance
5 with his or her diabetes care plan and in compliance with any
6 guidelines provided during training under Section 25 of this
7 Act.

8 (b) Whenever a delegated care aide has a question about a
9 student's care, or when an unexpected snack or meal requires a
10 dose of insulin not anticipated by a student's diabetes care
11 plan, the delegated care aide shall consult with the parent or
12 guardian, school nurse, where available, or health care
13 provider to confirm that the insulin dosage is appropriate
14 given the number of carbohydrates to be taken and the student's
15 blood glucose level as determined by a glucometer reading.

16 (c) The principal shall facilitate compliance with the
17 provisions of a diabetes care plan during all school-sponsored
18 activities.

19 (d) Delegated care aides are authorized to provide
20 assistance by a student's parents or guardian and the school
21 district or private school.

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

24 (a) In schools that have a student with diabetes, all

1 school employees shall receive training in the basics of
2 diabetes care, how to identify when a student with diabetes
3 needs immediate or emergency medical attention, and whom to
4 contact in the case of an emergency during a regular in-service
5 training as provided for by Section 10-22.39 of the School
6 Code.

7 (b) Delegated care aides shall be trained to perform the
8 tasks necessary to assist a student with diabetes in accordance
9 with his or her diabetes care plan, including training to do
10 the following:

11 (1) check blood glucose and record results;

12 (2) recognize and respond to the symptoms of
13 hypoglycemia according to the diabetes care plan;

14 (3) recognize and respond to the symptoms of
15 hyperglycemia according to the diabetes care plan;

16 (4) estimate the number of carbohydrates in a snack or
17 lunch;

18 (5) administer insulin according to the student's
19 diabetes care plan and keep a record of the amount
20 administered; and

21 (6) respond in an emergency, including how to
22 administer glucagon.

23 (c) The school district shall coordinate staff training.

24 (d) Initial training shall be provided by a licensed
25 healthcare provider with expertise in diabetes or a certified
26 diabetic educator and individualized by a student's parent or

1 guardian. The training shall be updated when the diabetes care
2 plan is changed and at least annually.

3 (e) School nurses, where available, or health care
4 providers may provide technical assistance or consultation or
5 both to delegated care aides.

6 (f) An information sheet shall be provided to any school
7 employee who transports a student for school-sponsored
8 activities. It shall identify the student with diabetes,
9 identify potential emergencies that may occur as a result of
10 the student's diabetes and the appropriate responses to such
11 emergencies, and provide emergency contact information.

12 Section 30. Self-management. In accordance with his or her
13 diabetes care plan, a student shall be permitted to do the
14 following:

- 15 (1) check blood glucose when and wherever needed;
- 16 (2) administer insulin with the insulin delivery
17 system used by the student;
- 18 (3) treat hypoglycemia and hyperglycemia and otherwise
19 attend to the care and management of his or her diabetes in
20 the classroom, in any area of the school or school grounds
21 and at any school-related activity or event in accordance
22 with the diabetes care plan; and
- 23 (4) possess on his or her person, at all times, the
24 supplies and equipment necessary to monitor and treat
25 diabetes, including, but not limited to, glucometers,

1 lancets, test strips, insulin, syringes, insulin pens and
2 needle tips, insulin pumps, infusion sets, alcohol swabs, a
3 glucagon injection kit, glucose tablets, and food and
4 drink, in accordance with the diabetes care plan.

5 Section 35. Restricting access to school prohibited. A
6 school district shall not restrict the assignment of a student
7 with diabetes to a particular school on the basis that the
8 school does not have a full-time school nurse, nor shall a
9 school deny a student access to any school or school-related
10 activities on the basis that a student has diabetes.

11 Section 40. Protections against retaliation. A school
12 employee shall not be subject to any penalty, sanction,
13 reprimand, discharge, demotion, denial of a promotion,
14 withdrawal of benefits, or other disciplinary action for
15 choosing not to agree to serve as a delegated care aide.

16 Section 45. Civil immunity.

17 (a) A school or a school employee is not liable for civil
18 or other damages as a result of conduct, other than willful or
19 wanton misconduct, related to the care of a student with
20 diabetes.

21 (b) A school employee shall not be subject to any
22 disciplinary proceeding resulting from an action taken in
23 compliance with this Act, unless the action constitutes willful

1 or wanton misconduct.

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

4 Section 90. The School Code is amended by changing Section
5 10-22.21b as follows:

6 (105 ILCS 5/10-22.21b) (from Ch. 122, par. 10-22.21b)

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

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

1 Section 95. The State Mandates Act is amended by adding
2 Section 8.34 as follows:

3 (30 ILCS 805/8.34 new)

4 Sec. 8.34. Exempt mandate. Notwithstanding Sections 6 and 8
5 of this Act, no reimbursement by the State is required for the
6 implementation of any mandate created by this amendatory Act of
7 the 96th General Assembly.

8 Section 99. Effective date. This Act takes effect upon
9 becoming law.