

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) Federal laws enforced consistently in schools
2 provide students with diabetes equal educational
3 opportunities and a healthy and safe environment.

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

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

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

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

22 "Delegated care aide" means a school employee who has
23 agreed to receive training in diabetes care and to assist
24 students in implementing their diabetes care plan and has
25 entered into an agreement with a parent or guardian and the

1 school district or private school.

2 "Diabetes care plan" means a document that specifies the
3 diabetes-related services needed by a student at school and at
4 school-sponsored activities and identifies the appropriate
5 staff to provide and supervise these services.

6 "Health care provider" means a physician licensed to
7 practice medicine in all of its branches, advanced practice
8 nurse who has a written agreement with a collaborating
9 physician who authorizes the provision of diabetes care, or a
10 physician assistant who has a written supervision agreement
11 with a supervising physician who authorizes the provision of
12 diabetes care.

13 "Principal" means the principal of the school.

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

16 "School employee" means a person who is employed by a
17 public school district or private school, a person who is
18 employed by a local health department and assigned to a school,
19 or a person who contracts with a school or school district to
20 perform services in connection with a student's diabetes care
21 plan. This definition must not be interpreted as requiring a
22 school district or private school to hire additional personnel
23 for the sole purpose of serving as a designated care aide.

24 Section 15. Diabetes care plan.

25 (a) A diabetes care plan shall serve as the basis of a

1 student's Section 504 plan (29 U.S.C. Sec. 794) and shall be
2 signed by a student's parent or guardian and submitted to the
3 school for any student with diabetes who seeks assistance with
4 diabetes care in the school setting, unless the student has
5 been managing his or her diabetes care in the school setting
6 before the effective date of this Act, in which case the
7 student's parent or guardian may sign and submit a diabetes
8 care plan under this Act. It is the responsibility of the
9 student's parent or guardian to share the health care
10 provider's instructions concerning the student's diabetes
11 management during the school day. The diabetes care plan shall
12 include the treating health care provider's instructions
13 concerning the student's diabetes management during the school
14 day, including a copy of the signed prescription and the
15 methods of insulin administration.

16 (b) The services and accommodations specified in a diabetes
17 care plan shall be reasonable, reflect the current standard of
18 diabetes care, include appropriate safeguards to ensure that
19 syringes and lancets are disposed of properly, and include
20 requirements for diet, glucose testing, insulin
21 administration, and treatment for hypoglycemia, hyperglycemia,
22 and emergency situations.

23 (c) A diabetes care plan shall include a uniform record of
24 glucometer readings and insulin administered by the school
25 nurse or delegated care aide during the school day using a
26 standardized format provided by the State Board of Education.

1 (d) A diabetes care plan shall include procedures regarding
2 when a delegated care aide shall consult with the parent or
3 guardian, school nurse, where available, or health care
4 provider to confirm that an insulin dosage is appropriate.

5 (e) A diabetes care plan shall be submitted to the school
6 at the beginning of the school year; upon enrollment, as soon
7 as practical following a student's diagnosis; or when a
8 student's care needs change during the school year. Parents
9 shall be responsible for informing the school in a timely
10 manner of any changes to the diabetes care plan and their
11 emergency contact numbers.

12 Section 20. Delegated care aides.

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

17 (b) In accordance with the diabetes care plan or when an
18 unexpected snack or meal requires a dose of insulin not
19 anticipated by a student's diabetes care plan, the delegated
20 care aide shall consult with the parent or guardian, school
21 nurse, where available, or health care provider to confirm that
22 the insulin dosage is appropriate given the number of
23 carbohydrates to be taken and the student's blood glucose level
24 as determined by a glucometer reading.

25 (c) The principal shall facilitate compliance with the

1 provisions of a diabetes care plan.

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

5 Section 25. Training for school employees and delegated
6 care aides.

7 (a) In schools that have a student with diabetes, all
8 school employees shall receive training in the basics of
9 diabetes care, how to identify when a student with diabetes
10 needs immediate or emergency medical attention, and whom to
11 contact in the case of an emergency during a regular in-service
12 training as provided for by Section 10-22.39 of the School
13 Code.

14 (b) Delegated care aides shall be trained to perform the
15 tasks necessary to assist a student with diabetes in accordance
16 with his or her diabetes care plan, including training to do
17 the following:

18 (1) check blood glucose and record results;

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

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

23 (4) estimate the number of carbohydrates in a snack or
24 lunch;

25 (5) administer insulin according to the student's

1 diabetes care plan and keep a record of the amount
2 administered; and

3 (6) respond in an emergency, including how to
4 administer glucagon and call 911.

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

6 (d) Initial training shall be provided by a licensed
7 healthcare provider with expertise in diabetes or a certified
8 diabetic educator and individualized by a student's parent or
9 guardian. Training must be consistent with the guidelines
10 provided by the U.S. Department of Health and Human Services in
11 the guide for school personnel entitled "Helping the Student
12 with Diabetes Succeed". The training shall be updated when the
13 diabetes care plan is changed and at least annually.

14 (e) School nurses, where available, or health care
15 providers may provide technical assistance or consultation or
16 both to delegated care aides.

17 (f) An information sheet shall be provided to any school
18 employee who transports a student for school-sponsored
19 activities. It shall identify the student with diabetes,
20 identify potential emergencies that may occur as a result of
21 the student's diabetes and the appropriate responses to such
22 emergencies, and provide emergency contact information.

23 Section 30. Self-management. Provided that the student is
24 authorized according to his or her diabetes care plan, a
25 student shall be permitted to do the following:

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

16 Section 35. Restricting access to school prohibited. A
17 school district shall not restrict the assignment of a student
18 with diabetes to a particular school on the basis that the
19 school does not have a full-time school nurse, nor shall a
20 school deny a student access to any school or school-related
21 activities on the basis that a student has diabetes.

22 Section 40. Protections against retaliation. A school
23 employee shall not be subject to any penalty, sanction,
24 reprimand, discharge, demotion, denial of a promotion,

1 withdrawal of benefits, or other disciplinary action for
2 choosing not to agree to serve as a delegated care aide.

3 Section 45. Civil immunity.

4 (a) A school or a school employee is not liable for civil
5 or other damages as a result of conduct, other than willful or
6 wanton misconduct, related to the care of a student with
7 diabetes.

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

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

14 Section 95. The State Mandates Act is amended by adding
15 Section 8.34 as follows:

16 (30 ILCS 805/8.34 new)

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

21 Section 99. Effective date. This Act takes effect upon
22 becoming law.