

An Act

ENROLLED HOUSE
BILL NO. 1051

By: Cargill, Brannon, Denney,
Kern, Coody, Cooksey,
Duncan, Hamilton, Martin
(Steve), McAffrey,
McCarter, Pittman, Sears,
Terrill, Wesselhoft, Cox
and McDaniel (Randy) of the
House

and

Coffee, Gumm, Leftwich,
Barrington, Jolley, Branan,
Myers, Reynolds, Johnson
(Mike), Mazzei, Bingman,
Schulz, Lamb, Ford, Brown,
Nichols and Wilcoxson of
the Senate

An Act relating to schools; stating right of student victims to be separated from student offenders at school and during school transportation; requiring the Office of Juvenile Affairs to notify school districts when a student is adjudicated for certain sex offenses; requiring school districts to notify the victims; allowing victims to elect to be separated from the offender; prohibiting an offender from attending school or riding a school bus with a victim or a sibling of a victim upon request of the victim; allowing offender to transfer to another school within the district or another school district; making an offender responsible for certain costs in certain circumstances; creating the Diabetes Management in Schools Act; defining terms; requiring schools to develop diabetes medical management plans for students with diabetes; specifying criteria for development of the plan; requiring schools to provide certain assistance to students with diabetes; prohibiting action against certain school employees; prohibiting restriction on school assignment;

requiring certain school employees to have access to a physician; directing the State Department of Health to develop guidelines for training of volunteer diabetes care assistants; specifying content of training; requiring annual demonstration of competency; requiring certain recordkeeping; requiring certain information be provided to certain school employees; allowing students to attend to management and care of diabetes at school; listing allowed procedures; requiring schools to provide a private management and care area; limiting liability of and disciplinary actions against school employees; providing for codification; providing an effective date; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 24-100.6 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. Students who have been victims of certain felony offenses by other students, as well as the siblings of the student victims, have the right to be kept separated from the student offender both at school and during school transportation.

B. Notwithstanding any provision of law prohibiting the disclosure of the identity of a minor, within thirty (30) days of the time of the adjudication or withholding of adjudication of any juvenile offender for any offense subject to the Juvenile Sex Offender Registration Act, either the juvenile bureau in counties which have juvenile bureaus or the Office of Juvenile Affairs in all other counties shall notify the superintendent of the school district in which the juvenile offender is enrolled or intends to enroll of the adjudication and the offense for which the child was adjudicated. Upon receipt of such notice, the school district shall notify the victim and parent or guardian of the victim of their right to request to be separated from the offender at school and during school transportation. If the victim requests to be separated from the offender, the school district shall take appropriate action to effectuate the provisions of subsection C of

this section. The decision of the victim shall be final and not reversible.

C. Any offender described in subsection B of this section shall, upon the request of the victim, not attend any school attended by the victim or a sibling of the victim or ride on a school bus on which the victim or a sibling of the victim is riding. The offender shall be permitted by the school district to attend another school within the district in which the offender resides, provided the other school is not attended by the victim or sibling of the victim. If the offender is unable to attend another school in the district in which the offender resides, the offender shall transfer to another school district pursuant to the provisions of the Education Open Transfer Act.

D. The offender or the parents of the offender, if the offender is a juvenile, shall be responsible for arranging and paying for transportation and any other cost associated with or required for the offender to attend another school or that is required as a consequence of the prohibition against attending a school or riding on a school bus on which the victim or a sibling of the victim is attending or riding. However, the offender or the parents of the offender shall not be charged for existing modes of transportation that can be used by the offender at no additional cost to the school district.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1210.196.1 of Title 70, unless there is created a duplication in numbering, reads as follows:

Sections 3 through 9 of this act shall be known and may be cited as the "Diabetes Management in Schools Act".

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1210.196.2 of Title 70, unless there is created a duplication in numbering, reads as follows:

As used in the Diabetes Management in Schools Act:

1. "Diabetes medical management plan" means a document developed by the personal health care team of a student that sets out the health services that may be needed by the student at school and is signed by the personal health care team and the parent or guardian of the student;

2. "School" means a public elementary or secondary school. The term shall not include a charter school established pursuant to Section 3-132 of Title 70 of the Oklahoma Statutes;

3. "School nurse" means a certified school nurse as defined in Section 1-116 of Title 70 of the Oklahoma Statutes, a registered nurse contracting with the school to provide school health services, or a public health nurse; and

4. "Volunteer diabetes care assistant" means a school employee who has volunteered to be a diabetes care assistant and who has successfully completed the training required by Section 6 of this act.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1210.196.3 of Title 70, unless there is created a duplication in numbering, reads as follows:

A diabetes medical management plan shall be developed for each student with diabetes who will seek care for diabetes while at school or while participating in a school activity. The plan shall be developed by the personal health care team of each student. The personal health care team shall consist of the principal or designee of the principal, the school nurse, if a school nurse is assigned to the school, the parent or guardian of the student, and to the extent practicable, the physician responsible for the diabetes treatment of the student.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1210.196.4 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. The school nurse at each school in which a student with diabetes is enrolled shall assist the student with the management of their diabetes care as provided for in the diabetes medical management plan for the student.

B. If a school does not have a school nurse assigned to the school, the principal shall make an effort to seek school employees who may or may not be health care professionals to serve as volunteer diabetes care assistants to assist the student with the management of their diabetes care as provided for in the diabetes medical management plan for the student.

C. Each school in which a student with diabetes is enrolled shall make an effort to ensure that a school nurse or a volunteer diabetes care assistant is available at the school to assist the diabetic student when needed.

D. A school employee shall not be subject to any penalty or disciplinary action for refusing to serve as a volunteer diabetes care assistant.

E. A school district shall not restrict the assignment of a student with diabetes to a particular school site based on the presence of a school nurse, contract school employee, or a volunteer diabetes care assistant.

F. Each school nurse and volunteer diabetes care assistant shall at all times have access to a physician.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1210.196.5 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. The State Department of Health shall develop guidelines, with the assistance of the following entities, for the training of volunteer diabetes care assistants:

1. Oklahoma School Nurses Association;
2. The American Diabetes Association;
3. The Juvenile Diabetes Research Foundation International;
4. The Oklahoma Nurses Association;
5. The State Department of Education;
6. Oklahoma Board of Nursing;
7. Oklahoma Dietetic Association; and
8. Cooperative Council of School Administrators.

B. A school nurse or State Department of Health designee with training in diabetes shall coordinate the training of volunteer diabetes care assistants.

C. The training shall include instruction in:

1. Recognizing the symptoms of hypoglycemia and hyperglycemia;
2. Understanding the proper action to take if the blood glucose levels of a student with diabetes are outside the target ranges indicated by the diabetes medical management plan for the student;
3. Understanding the details of the diabetes medical management plan of each student assigned to a volunteer diabetes care assistant;
4. Performing finger sticks to check blood glucose levels, checking urine ketone levels, and recording the results of those checks;
5. Properly administering insulin and glucagon and recording the results of the administration;
6. Recognizing complications that require seeking emergency assistance; and
7. Understanding the recommended schedules and food intake for meals and snacks for a student with diabetes, the effect of physical activity on blood glucose levels, and the proper actions to be taken if the schedule of a student is disrupted.

D. The volunteer diabetes care assistant shall annually demonstrate competency in the training required by subsection C of this section.

E. The school nurse, the principal, or a designee of the principal shall maintain a copy of the training guidelines and any records associated with the training.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1210.196.6 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. Each school district shall provide, with the permission of the parent, to each school employee who is responsible for providing transportation for a student with diabetes or supervising a student with diabetes an information sheet that:

1. Identifies the student who has diabetes;

2. Identifies potential emergencies that may occur as a result of the diabetes of the student and the appropriate responses to emergencies; and

3. Provides the telephone number of a contact person in case of an emergency involving the student with diabetes.

B. The school employee provided information as set forth in this section shall be informed of all health privacy policies.

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1210.196.7 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. In accordance with the diabetes medical management plan of a student, a school shall permit the student to attend to the management and care of the diabetes of the student, which may include:

1. Performing blood glucose level checks;

2. Administering insulin through the insulin delivery system used by the student;

3. Treating hypoglycemia and hyperglycemia;

4. Possessing on the person of the student at any time any supplies or equipment necessary to monitor and care for the diabetes of the student; and

5. Otherwise attending to the management and care of the diabetes of the student in the classroom, in any area of the school or school grounds, or at any school-related activity.

B. Each school shall provide a private area where the student may attend to the management and care of the student's diabetes.

SECTION 9. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1210.196.8 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. A school employee may not be subject to any disciplinary proceeding resulting from an action taken in compliance with the Diabetes Management in Schools Act. Any employee acting in

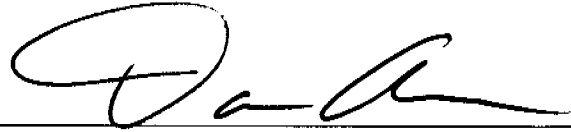
accordance with the provisions of the act shall be immune from civil liability unless the actions of the employee rise to a level of reckless or intentional misconduct.

B. A school nurse shall not be responsible for and shall not be subject to disciplinary action for actions performed by a volunteer diabetes care assistant.

SECTION 10. This act shall become effective July 1, 2007.

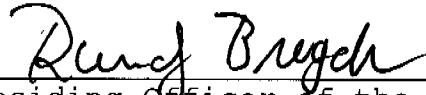
SECTION 11. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 17th day of May, 2007.



Presiding Officer of the House of
Representatives

Passed the Senate the 23rd day of May, 2007.



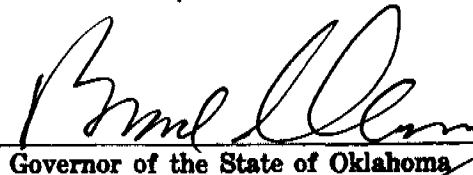
Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Governor this 24
day of May, 2007,
at 1:30 o'clock P M.

By: Blair Gaddin

Approved by the Governor of the State of Oklahoma the 31 day of
May, 2007, at 1:04 o'clock P M.


Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this
31st day of May, 2007,
at 3:40 o'clock P M.

By: M. Susan Lowrey