
A BILL FOR AN ACT

RELATING TO HEALTH.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that there is a rapidly
2 growing population of students with diabetes attending public
3 schools. Diabetes often prevents these students from
4 participating in school functions and events. Diabetes can also
5 adversely affect students' ability to perform routine school
6 tasks such as test taking. While many of the symptoms of
7 diabetes can be treated and mitigated with timely health
8 management measures, such as medication or food intake, current
9 school policies and practices fail to accommodate those options
10 in an effective manner.

11 The legislature finds that diabetes must be managed twenty-
12 four hours a day to avoid the potentially life-threatening
13 short-term consequences of blood glucose levels that are either
14 too high or too low, and to avoid or delay the serious long-term
15 complications of high blood glucose levels, which include
16 blindness, amputation of limbs, heart disease, and kidney
17 failure. Well-managed blood glucose levels enable students with



1 diabetes to be more productive and successful in school. In
2 order to manage their disease, students with diabetes must have
3 access to the means to balance food, medications, and physical
4 activity levels while at school and at school-related
5 activities.

6 Diabetes is generally a self-managed disease, and many
7 students with diabetes are able to perform most of their own
8 diabetes care tasks. However, some students, because of their
9 age, inexperience, or other factors, need help with some or all
10 diabetes care tasks. Further, all students with diabetes will
11 need assistance in the event of a diabetes-related emergency.
12 The school nurse plays a central role in providing or
13 facilitating care for a student with diabetes in the school
14 setting. All public schools in Hawaii have a health aide, but
15 many do not have a full-time nurse on campus. In addition, even
16 when a nurse is assigned to a school full-time for a specific
17 student requiring nursing services throughout the day, that
18 nurse is not available to provide direct care to other students
19 requiring nursing services during the school day, during
20 extracurricular activities, and on field trips. Because
21 diabetes management is needed throughout the school day,



1 additional personnel who have completed appropriate training are
2 needed at schools to perform diabetes care tasks at school and
3 school-related activities so that students with diabetes have
4 the same access to educational opportunities that other students
5 in Hawaii have.

6 SECTION 2. Chapter 302A, Hawaii Revised Statutes, is
7 amended by adding a new part to be appropriately designated and
8 to read as follows:

9 **"PART . CARE OF STUDENTS WITH DIABETES**

10 **§302A-A Definitions.** Whenever used in this part, unless a
11 different meaning clearly appears from the context:

12 "Diabetes medical management plan" means a plan that
13 identifies the health needs of the student, sets forth
14 prescribed care to address health needs at school, and is signed
15 by the student's personal health care professional and a parent
16 or guardian.

17 "Nurse" shall have the same definition as in section 457-2
18 and shall include any other licensed or registered nurse
19 providing care to students with diabetes under this part.



1 "School" means any public or charter elementary, middle,
2 intermediate, secondary, or high school located within the
3 State, including its governing body.

4 "School employee" means any person employed by a school or
5 by the department of health and assigned to a public or charter
6 school, or any subcontractor designated for this function.

7 "Trained diabetes care personnel" means any school employee
8 or volunteer who is trained to provide services to students as
9 provided under this part.

10 **§302A-B Diabetes training.** (a) The department shall
11 consult with the department of health and the American Diabetes
12 Association to develop and adopt rules pursuant to chapter 91
13 for the training of school employees and qualified volunteers to
14 provide care to students with diabetes. The rules shall include
15 a requirement that each school provide annual diabetes training
16 programs for all nurses, trained diabetes care personnel, and
17 persons seeking to become trained diabetes care personnel. In
18 addition, the guidelines shall address:

19 (1) Recognition and treatment of hypoglycemia and
20 hyperglycemia;



- 1 (2) An understanding of the appropriate actions to be
2 taken when blood glucose levels are outside of the
3 target ranges indicated by the student's medical
4 management plan;
- 5 (3) Understanding of a physician's instructions concerning
6 diabetes medication dosages, frequency, and manner of
7 administration;
- 8 (4) Performance of finger-stick blood glucose checking,
9 ketone checking, and recording of results;
- 10 (5) The administration of insulin and the recording of the
11 results;
- 12 (6) Understanding how to perform basic insulin pump
13 functions;
- 14 (7) Recognizing diabetes-related complications that
15 require emergency assistance;
- 16 (8) Understanding recommended schedules and food intake
17 for meals and snacks, the physical effects of physical
18 activity on blood glucose levels, and actions to be
19 taken in case of schedule disruption;
- 20 (9) Understanding of any other appropriate medical
21 procedures and technology that may be developed from



1 time to time for testing, treatment, or care of the
2 student with diabetes; and

3 (10) Understanding of long-term complications of diabetes
4 and the importance of teaching students with diabetes
5 about self-management skills that shall be supported
6 in the school setting as prescribed by the student's
7 diabetes medical management plan.

8 (b) Each school that has at least one student with
9 diabetes enrolled shall provide the training required under
10 subsection (a) to a minimum of three school employees. If at
11 any time fewer than three school employees are available to be
12 trained at the school, the principal or other school
13 administrator shall distribute a written notice to all staff
14 stating that it is seeking employees to serve as diabetes care
15 personnel. The notice shall inform staff of:

16 (1) The requirement that the school provide diabetes care
17 to students with diabetes and recruit personnel
18 willing to be trained to provide diabetes care;

19 (2) The tasks to be performed;

20 (3) The voluntary nature of participation;

21 (4) Training, which will be provided at no cost to staff;



- 1 (5) Liability protections for persons willing to be
2 trained; and
- 3 (6) Contact information of the coordinator designated
4 pursuant to subsection (d).
- 5 (c) A school shall not discourage any employee from
6 participating in the training program or subject any employee
7 who declines to serve as trained diabetes care personnel to any
8 penalty or disciplinary action for that decision.
- 9 (d) The nurse or a health care professional with expertise
10 in diabetes care shall coordinate the training outlined under
11 subsection (a). If there is any student with diabetes enrolled
12 at the school before the start of the school year, the school
13 shall hold the training before each school year starts. If a
14 student with diabetes enrolls in the school or is diagnosed with
15 diabetes after the school year has started and the school has
16 not held the diabetes care training before the start of the
17 school year, the training shall be held no more than thirty days
18 following the student's enrollment or diagnosis.
- 19 (e) Each school shall provide training for all school
20 employees responsible for the supervision of any student with
21 diabetes, including bus drivers who transport students with



1 diabetes, regarding the recognition of hypoglycemia and
2 hyperglycemia and the appropriate action to take in an emergency
3 situation.

4 **§302A-C Diabetes medical management plan.** The parent or
5 guardian of each student with diabetes who seeks diabetes care
6 for the student while at school shall submit a diabetes medical
7 management plan for that student to the school. The school
8 shall implement the diabetes medical management plan upon
9 receipt.

10 **§302A-D Required care.** (a) Any school that has enrolled
11 a student who has submitted a diabetes medical management plan
12 shall ensure that the student receives the appropriate diabetes
13 care specified in the student's diabetes medical management
14 plan.

15 (b) In accordance with the student's diabetes medical
16 management plan, a nurse or trained diabetes care personnel
17 shall perform diabetes care, including:

18 (1) Checking and recording blood glucose levels and ketone
19 levels or assisting a student with diabetes in
20 checking and recording blood glucose levels and ketone
21 levels;



1 (2) Responding to blood glucose levels that are outside of
2 the student's target blood glucose range as stated in
3 the student's diabetes medical management plan;

4 (3) Administering insulin or assisting a student in
5 administering insulin via the insulin delivery system
6 that the student uses;

7 (4) Providing diabetes medicine to be taken orally by the
8 student; and

9 (5) Facilitating compliance with the recommendations in
10 the student's diabetes medical management plan
11 regarding meals, snacks, and physical activity.

12 (c) A nurse or trained diabetes care personnel shall be at
13 each school that has enrolled a student with diabetes during
14 regular school hours, after-school care programs, field trips,
15 extended off-site excursions, extracurricular activities, and on
16 buses when the bus driver has not completed the necessary
17 training required under section 302A-B.

18 (d) Notwithstanding any law to the contrary, the provision
19 of care required under subsection (a) shall not constitute the
20 practice of nursing. Trained diabetes care personnel who are
21 not nurses as defined under section 457-2 shall be exempt from



1 statutory provisions that restrict the activities that may be
2 delegated to or performed by a person who is not a licensed or
3 registered health care professional to the extent required to
4 perform duties pursuant to this part.

5 (e) Notwithstanding any law to the contrary, it shall be
6 lawful for a licensed health care professional to provide
7 training to school employees as required under section 302A-B
8 and to supervise trained diabetes care personnel in the
9 administration of required care under subsection (a).

10 (f) Except for a qualified healthcare professional
11 providing the training required in subsection (e), schools,
12 nurses, trained diabetes care personnel, and any other person
13 acting in good faith and in accordance with the provisions
14 established under this part shall not be subject to civil
15 liability or to discipline for unprofessional conduct, except
16 where the person's conduct would constitute gross negligence,
17 wilfull and wanton misconduct, or intentional misconduct.

18 **§302A-E School assignment; provision of care.** (a) A
19 student with diabetes shall be permitted to attend any school
20 that the student would otherwise be able to attend if the
21 student did not have diabetes.



1 (b) A school shall not prohibit a student with diabetes
2 from enrolling on the basis that:

3 (1) The student has diabetes; or

4 (2) The school does not have a full-time nurse or full-
5 time trained diabetes care personnel available.

6 (c) The school at which the student with diabetes is
7 enrolled shall provide the required diabetes care as provided
8 under section 302A-D.

9 (d) The school shall not require or pressure the parents
10 or guardian of a student with diabetes to be the sole provider
11 of or mandate their participation in providing diabetes care for
12 a student with diabetes while that student is attending school
13 or participating in school-related activities.

14 **§302A-F Independent monitoring and treatment.** (a) Upon
15 written request of a parent or guardian of a student with
16 diabetes and in accordance with the student's diabetes medical
17 management plan, a student with diabetes shall be permitted to:

18 (1) Perform the student's own blood glucose checks,
19 administer insulin through the insulin delivery system
20 that the student uses, and otherwise attend to the
21 care and management of the student's diabetes as



1 provided in the student's diabetes medical management
2 plan at school and during any school-related activity;
3 and

4 (2) Possess on the student's person all necessary supplies
5 and equipment to perform the diabetes monitoring and
6 treatment activities required under the student's
7 diabetes medical management plan.

8 (b) Upon request, a school shall provide a student with
9 diabetes access to a private area so that the student may
10 perform diabetes care activities.

11 **§302A-G Reports.** (a) The department shall submit to the
12 legislature and governor an annual district-wide report
13 specifying the following:

- 14 (1) The number of students with diabetes enrolled in the
15 district;
- 16 (2) A general discussion of how schools are complying with
17 the provisions of this part and providing support to
18 students with diabetes;
- 19 (3) The cost to the schools for complying with this part;
20 and



1 (4) Any challenges faced or additional resources needed to
2 effectuate this part.

3 The report shall be submitted at least twenty days prior to
4 the convening of each regular session.

5 (b) The department shall adopt rules pursuant to chapter
6 91 specifying the criteria for the documentation of the schools'
7 compliance with the provisions of this part.

8 (c) The department shall publish the district-wide report
9 on its website upon submittal to the legislature and the
10 governor.

11 **§302A-H Administrative complaints.** (a) An impartial
12 hearing before the department may be requested by any parent or
13 guardian of a student with diabetes or by a student with
14 diabetes for the failure of a school to comply with this part.

15 (b) A student with diabetes or the student's parent or
16 guardian may bring a lawsuit against the school for failure to
17 comply with this part. In the event that the student with
18 diabetes or the student's parent or guardian prevails, in
19 addition to any judgment awarded, the court may allow reasonable
20 attorney's fees and costs of the action to be paid by the
21 school.



1 (c) Any action brought by a student with diabetes or the
2 student's parent or guardian under this part shall not alter or
3 limit the remedies available under any other state or federal
4 law, including section 504 of the Rehabilitation Act of 1973,
5 the Americans with Disabilities Act, and the Individuals with
6 Disabilities Education Act of 2004."

7 SECTION 3. Within one hundred eighty days of the effective
8 date of this Act, the department of education shall adopt rules
9 under chapter 91, Hawaii Revised Statutes, to effectuate the
10 purpose of this Act.

11 SECTION 4. There is appropriated out of the general
12 revenues of the State of Hawaii the sum of \$ or so much
13 thereof as may be necessary for fiscal year 2015-2016 and the
14 same sum or so much thereof as may be necessary for fiscal year
15 2016-2017 for the department of education to effectuate this
16 Act.

17 The sums appropriated shall be expended by the department
18 of education for the purposes of this Act.

19 SECTION 5. There is appropriated out of the general
20 revenues of the State of Hawaii the sum of \$ or so much
21 thereof as may be necessary for fiscal year 2015-2016 and the



1 same sum or so much thereof as may be necessary for fiscal year
2 2016-2017 for the department of health to effectuate this Act.

3 The sums appropriated shall be expended by the department
4 of health for the purposes of this Act.

5 SECTION 6. In codifying the new sections added by section
6 2 of this Act, the revisor of statutes shall substitute
7 appropriate section numbers for the letters used in designating
8 the new sections in this Act.

9 SECTION 7. This Act shall take effect on July 1, 2112.



Report Title:

Students with Diabetes; Schools; Appropriation

Description:

Requires the Department of Education to consult with the Department of Health and the American Diabetes Association to develop and adopt rules for the training of school employees and qualified volunteers to provide care to students with diabetes. Appropriates funds. (SB1221 HD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

