

You're receiving this email because of your relationship with RSNLT. Please [confirm](#) your continued interest in receiving email from us.

You may [unsubscribe](#) if you no longer wish to receive our emails.

## RSNLT

## LAW ALERT

### **Additional Obligations Placed on Schools Related to Students with Diabetes: "The Care of Students with Diabetes Act" becomes Law in Illinois**

**January 4, 2011**

On December 1, 2010, the Illinois General Assembly voted to override the Governor's amendatory veto making the *Care of Students with Diabetes Act* ("Act") Illinois law. This Act is effective immediately.

The Act allows a student to independently manage his diabetes in the classroom, in any area of the school or school grounds and at any school related activity or event if authorized by the student's diabetes care plan which must be approved by their physician. In allowing a student to independently manage his diabetes in school, the Act specifically sets forth the following guidelines related to what a student with diabetes must be permitted to do at school:

- Check blood glucose when and wherever needed;
- Administer insulin with the insulin delivery system used by the student;
- Treat hypoglycemia and hyperglycemia and otherwise attend to the care and management of his or her diabetes in the classroom, in any area of the school or school grounds and at any school-related activity or event in accordance with the diabetes care plan; and
- Possess on his or her person, at all times, the supplies and equipment necessary to monitor and treat diabetes.

This Act also requires a parent or guardian to sign and submit a "diabetes care plan" to the school for a student who seeks assistance with diabetes care in the school setting. The diabetes care plan will include the following information:

- the health care provider's instructions concerning the student's diabetes management at school, including a signed prescription and methods of insulin administration;
- the diabetes related services needed by a student at school;
- the appropriate staff to provide and supervise these services;
- a uniform record of glucometer readings and insulin administered by the school nurse or delegated care aide; and
- procedures for when to consult with the parent, school nurse or health care provider to confirm that an insulin dosage is appropriate.

Although not specifically outlined in the Act, we recommend that the diabetes care plan be developed and signed by the student's physician as recommended in the U.S. Department of Health and Human Services guide entitled "Helping the Student with Diabetes Succeed: A Guide for School Personnel" ("HHS Guide"). School districts may want to consider using the "Diabetes Medical Management Plan" form included in this HHS Guide as the student's diabetes care plan to ensure compliance with the law. The Act also indicates

that "a diabetes care plan shall serve as the basis of a student's Section 504 plan," implying that all students diagnosed with diabetes should have a 504 plan in place.

Because the Act recognizes that school nurses are not always readily available to assist a student in managing his/her diabetes, the Act allows for any school employee, without liability, to volunteer to act as a delegated care aide to receive training in diabetes care and to assist students in managing their diabetes at school in accordance with the student's diabetes care plan.

The Act also requires significant training requirements for school personnel. The Act calls for two levels of training similar to that outlined in the HHS Guide. The Act mandates general diabetes training for all school staff employed at a school which has a student with diabetes. This training shall include education in the basics of diabetes care, how to identify when a student with diabetes needs immediate or emergency medical attention and who to contact in the case of an emergency. A second level of training is required annually for school personnel, such as delegated care aides, who will perform tasks necessary to assist specific students with their diabetic management in accordance with the student's diabetes care plan. Such training will be individualized to the student's specific diabetes routine and emergency care and must initially be provided by a licensed health care provider with expertise in diabetes or a certified diabetic educator. This second level of training must include training to do the following:

- Check blood glucose and record results;
- Recognize and respond to the symptoms of hypoglycemia and hyperglycemia according to the student's diabetes care plan;
- Estimate the number of carbohydrates in a snack or lunch;
- Administer insulin according to the student's diabetes care plan and keep a record of the amount administered; and
- Respond in an emergency, including how to administer glucagon and call 911.

Additionally, the Act requires that an information sheet be provided to any school employee who transports a student for school-sponsored activities and 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.

As a result of this Act, school districts need to review their current medication policies and procedures and develop or revise forms allowing students to independently manage their diabetes in school. Special attention must also be given to the training requirements outlined above.

If you have any questions about this *Law Alert*, please feel free to contact any RSNLT attorney.

Caroline A. Roselli, a partner in the firm's Chicago office prepared this *Law Alert*.

---

© 2011 Robbins Schwartz Nicholas Lifton & Taylor, Ltd.

*LawAlert is published periodically by Robbins Schwartz Nicholas Lifton & Taylor, Ltd. Although the information contained in this LawAlert is considered accurate, it is not, nor should it be construed to be, legal advice. If you have an individual situation which involves a topic addressed in this publication, please seek a legal opinion that is based upon the facts in your specific case. Questions and comments about this publication should be directed to: LawAlert Editor | Robbins Schwartz Nicholas Lifton & Taylor, Ltd. | 55 West Monroe Street | Suite 800 | Chicago, Illinois 60603 | 312-332-7760 | [questions@rsnlt.com](mailto:questions@rsnlt.com).*

Chicago

Decatur

Collinsville

Joliet

[www.rsnlt.com](http://www.rsnlt.com)