

1 STATE OF OKLAHOMA

2 1st Session of the 51st Legislature (2007)

3 CONFERENCE COMMITTEE
4 SUBSTITUTE
5 FOR ENGROSSED
6 HOUSE BILL NO. 1051

7 By: Cargill, Brannon, Denney,
8 Kern, Coody, Cannaday,
9 Cooksey, Duncan, Hamilton,
10 Martin (Steve), McAffrey,
11 McCarter, Pittman, Sears,
12 Terrill and Wesselhoft of
13 the House

14 and

15 Coffee, Gumm, Leftwich,
16 Barrington, Jolley, Branan,
17 Myers, Reynolds, Johnson
18 (Mike), Mazzei, Bingman,
19 Schulz, Lamb, Ford, Brown,
20 Nichols and Wilcoxson of
21 the Senate

22 CONFERENCE COMMITTEE SUBSTITUTE

23 An Act relating to schools; stating right of student
24 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

1 schools to develop diabetes medical management plans
2 for students with diabetes; specifying criteria for
3 development of the plan; requiring schools to provide
4 certain assistance to students with diabetes;
5 prohibiting action against certain school employees;
6 prohibiting restriction on school assignment;
7 requiring certain school employees to have access to
8 a physician; directing the State Department of Health
9 to develop guidelines for training of volunteer
10 diabetes care assistants; specifying content of
11 training; requiring annual demonstration of
12 competency; requiring certain recordkeeping;
13 requiring certain information be provided to certain
14 school employees; allowing students to attend to
15 management and care of diabetes at school; listing
16 allowed procedures; requiring schools to provide a
17 private management and care area; limiting liability
18 of and disciplinary actions against school employees;
19 providing for codification; providing an effective
20 date; and declaring an emergency.

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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

1 Offender Registration Act, either the juvenile bureau in counties
2 which have juvenile bureaus or the Office of Juvenile Affairs in all
3 other counties shall notify the superintendent of the school
4 district in which the juvenile offender is enrolled or intends to
5 enroll of the adjudication and the offense for which the child was
6 adjudicated. Upon receipt of such notice, the school district shall
7 notify the victim and parent or guardian of the victim of their
8 right to request to be separated from the offender at school and
9 during school transportation. If the victim requests to be
10 separated from the offender, the school district shall take
11 appropriate action to effectuate the provisions of subsection C of
12 this section. The decision of the victim shall be final and not
13 reversible.

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

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

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

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

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

19 As used in the Diabetes Management in Schools Act:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 9 1. Oklahoma School Nurses Association;
- 10 2. The American Diabetes Association;
- 11 3. The Juvenile Diabetes Research Foundation International;
- 12 4. The Oklahoma Nurses Association;
- 13 5. The State Department of Education;
- 14 6. Oklahoma Board of Nursing;
- 15 7. Oklahoma Dietetic Association; and
- 16 8. Cooperative Council of School Administrators.

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

20 C. The training shall include instruction in:

- 21 1. Recognizing the symptoms of hypoglycemia and hyperglycemia;
- 22 2. Understanding the proper action to take if the blood glucose
23 levels of a student with diabetes are outside the target ranges
24 indicated by the diabetes medical management plan for the student;

1 3. Understanding the details of the diabetes medical management
2 plan of each student assigned to a volunteer diabetes care
3 assistant;

4 4. Performing finger sticks to check blood glucose levels,
5 checking urine ketone levels, and recording the results of those
6 checks;

7 5. Properly administering insulin and glucagon and recording
8 the results of the administration;

9 6. Recognizing complications that require seeking emergency
10 assistance; and

11 7. Understanding the recommended schedules and food intake for
12 meals and snacks for a student with diabetes, the effect of physical
13 activity on blood glucose levels, and the proper actions to be taken
14 if the schedule of a student is disrupted.

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

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

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

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

- 5 1. Identifies the student who has diabetes;
- 6 2. Identifies potential emergencies that may occur as a result
7 of the diabetes of the student and the appropriate responses to
8 emergencies; and
- 9 3. Provides the telephone number of a contact person in case of
10 an emergency involving the student with diabetes.

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

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

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

- 20 1. Performing blood glucose level checks;
- 21 2. Administering insulin through the insulin delivery system
22 used by the student;
- 23 3. Treating hypoglycemia and hyperglycemia;

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

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

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

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

12 A. A school employee may not be subject to any disciplinary
13 proceeding resulting from an action taken in compliance with the
14 Diabetes Management in Schools Act. Any employee acting in
15 accordance with the provisions of the act shall be immune from civil
16 liability unless the actions of the employee rise to a level of
17 reckless or intentional misconduct.

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

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

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

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