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February 27, 2024

SENATE BILL NO. 1578

By: McCortney of the Senate

and

Roe of the House

An Act relating to schools; amending 70 O.S. 2021, Section 1210.196.4, which relates to diabetes medical management plans; authorizing certain personnel to use electronic glucose monitoring applications or software under certain conditions; amending 70 O.S. 2021, Section 1210.196.8, which relates to employee immunity from liability; excluding specified personnel from certain responsibility and disciplinary action; making language gender neutral; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 70 O.S. 2021, Section 1210.196.4,
is amended to read as follows:

Section 1210.196.4. A. The school nurse at each school in which a student with diabetes is enrolled shall assist the student with the management of ~~their~~ his or her 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

1 management of ~~their~~ his or her diabetes care as provided for in the
2 diabetes medical management plan for the student.

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

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

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

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

16 G. For a student who uses continuous glucose monitoring with
17 electronic access to glucose levels, a school nurse, volunteer
18 diabetes care assistant, or other school staff member may, for the
19 purpose of monitoring the student's glucose level through electronic
20 glucose monitoring, download the necessary electronic applications
21 or software to a school electronic device or, in the absence of a
22 school-provided device, his or her personal electronic device, with
23 written permission from a parent or legal guardian.
24

SECTION 2. AMENDATORY 70 O.S. 2021, Section 1210.196.8,
is amended to read as follows:

Section 1210.196.8. 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.

C. A school nurse, volunteer diabetes care assistant, or other
school staff shall not be responsible for and shall not be subject
to disciplinary action for lack of any monitoring of glucose levels
through electronic glucose monitoring, as described in subsection G
of Section 1210.196.4 of this title, outside of school hours or
school-sponsored activities.

SECTION 3. This act shall become effective July 1, 2024.

SECTION 4. It being immediately necessary for the preservation
of the public peace, health or 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.

COMMITTEE REPORT BY: COMMITTEE ON EDUCATION
February 27, 2024 - DO PASS