

Pennsylvania Public School Code of 1949

Act of Mar. 10, 1949, 24 P.S.

Article XIV. School Health Services.

(Art. Repealed and added July 15, 1957, P.L.937, No. 404)

Act 86 of 2016 – Added Sections 1414.3 – 1414.8

(added July 13, 2016, P.I.716, No. 86)

Section 1414.3. Education of School Employes in Diabetes Care and Management.--(a) Within one hundred twenty (120) days of the effective date of this section, the Department of Health, in coordination with the Department of Education, shall establish educational modules and guidelines for the instruction of school employes in diabetes care and treatment and make the modules and guidelines available on its publicly accessible Internet website. The educational modules shall include instruction in a school entity's obligations under 22 Pa. Code § 12.41 (relating to student services) and its responsibilities to comply with section 504 of the Rehabilitation Act of 1973 (Public Law 93-112, 29 U.S.C. § 794), 22 Pa. Code Chs. 14 (relating to special education services and programs) and 15 (relating to protected handicapped students) and the Individuals with Disabilities Education Act (Public Law 91-230, 20 U.S.C. § 1400 et seq.). At a minimum, the educational modules shall include review of the responsibilities and instruction in:

- (1) An overview of all types of diabetes.
- (2) Means of monitoring blood glucose.
- (3) The symptoms and treatment for blood glucose levels outside of target ranges as well as symptoms and treatment for hypoglycemia, hyperglycemia and other potential emergencies.
- (4) Techniques on administering glucagon and insulin.

(b) The school nurse, in consultation with the chief school administrator or a designee, may identify at least one school employe who is not the school nurse and who does not need to be a licensed health care practitioner in each school building attended by a student with diabetes. If the school building attended by a student with diabetes does not have a full-time school nurse, the chief school

administrator may, but is not required to, consult with the school nurse assigned to that school building to identify at least one school employe in the school building. An identified employe shall complete the annual educational modules outlined in subsection (a) or annual education offered by a licensed health care practitioner with expertise in the care and treatment of diabetes that includes substantially the same information as outlined in subsection (a). An employe responsible for a child with diabetes in the absence of the school nurse shall have the right to decline the responsibility and related directives.

(c) A school employe who is not a licensed health care practitioner and who has successfully completed the education modules under subsection (a) or annual education offered by a licensed health care practitioner with expertise in the care and treatment of diabetes that includes substantially the same information as outlined in subsection (a) may be designated in a student's service agreement or IEP to administer diabetes medications, use monitoring equipment and provide other diabetes care. A school entity may require the designated employe who has not declined the assignment to complete the annual educational modules or annual education from a licensed health care practitioner, or both, in the administration of diabetes medications, use of monitoring equipment and provision of other diabetes care. Education provided to school employes shall be coordinated by the chief school administrator or a designee. School entities may include the education in the professional education plan submitted by the school entity to the Department of Education under section 1205.1.

(d) Notwithstanding any other statute or regulation restricting the functions that may be performed by persons other than licensed health care practitioners, school employes who have completed the education requirements under this section may perform diabetes care and treatment for students. School employes who are not licensed health care practitioners shall only be authorized to administer diabetes medications via injection or infusion following annual education by a licensed health care practitioner with expertise in the care and treatment of diabetes and following the school entity's receipt of written authorization from both the student's health care practitioner and parent or guardian that an educated school employe, who is not a licensed health care practitioner, may administer specified medications.

(e) For purposes of this section, "school entity" means a school district, intermediate unit, area vocational-technical school, charter school or cyber charter school.

(1414.3 added July 13, 2016, P.L.716, No.86)

Section 1414.4. Diabetes Care in Schools.--(a) A parent or guardian of a student with diabetes who desires that the student receive diabetes-related care and treatment in a school setting shall provide the school entity with written authorization for the care and instructions from the student's health care practitioner, consistent with the school entity's policies regarding the provision of school health services. The required authorizations may be submitted as part of a diabetes medical management plan.

(b) All diabetes-related care provided to students shall be consistent with the school health program established by the governing body of the school entity and any accommodations outlined in a student's service agreement.

(c) A student's service agreement may require a school entity to provide the driver of a school bus or school vehicle, who provides transportation to a student with diabetes, with an information sheet that:

- (1) Identifies the student with diabetes.
- (2) Identifies potential emergencies that may occur as a result of the student's diabetes and the appropriate responses to such emergencies.
- (3) Provides the telephone number of a contact person in case of an emergency involving the student with diabetes.

(d) For purposes of this section:

"School bus" means a school bus as defined in 75 Pa.C.S. § 102 (relating to definitions).

"School entity" means a school district, intermediate unit, area vocational-technical school, charter school or cyber charter school.

"School vehicle" means a school vehicle as defined in 75 Pa.C.S. § 102.

(1414.4 added July 13, 2016, P.L.716, No.86)

Section 1414.5. Possession and Use of Diabetes Medication and Monitoring Equipment.--(a) A school entity shall require the parent or guardian of a student with diabetes who requests that the student possess and self-administer diabetes medication and operate monitoring equipment in a school setting to provide the following:

(1) A written statement from the student's health care practitioner that provides the name of the drug, the dose, the times when the medication is to be taken or the monitoring equipment to be used, the specified time period for which the medication or monitoring equipment is authorized to be used and the diagnosis or reason the medicine or monitoring equipment is needed. The student's health care practitioner shall indicate the potential of any serious reaction to the medication that may occur, as well as any necessary emergency response. The student's health care practitioner shall state whether the student is competent to self-administer the medication or monitoring equipment and whether the student is able to practice proper safety precautions for the handling and disposal of the medication and monitoring equipment.

(2) A written request from the parent or guardian that the school entity comply with the instructions of the student's health care practitioner. The parent's request shall include a statement relieving the school entity or any school employe of any responsibility for the prescribed medication or monitoring equipment and acknowledging that the school entity bears no responsibility for ensuring that the medication is taken by the student and the monitoring equipment is used.

(3) A written acknowledgment by the school nurse that the student has demonstrated that the student is capable of self-administration of the medication and use of the monitoring equipment.

(4) A written acknowledgment by the student that the student has received instruction from the student's health care practitioner on proper safety precautions for the handling and disposal of the medications and monitoring equipment. The written acknowledgment shall also contain a provision stating that the student will not allow other students to have access to the medication and monitoring equipment and that the student understands appropriate safeguards.

(b) A school entity may revoke or restrict a student's privileges to possess and self-administer diabetes medication and operate monitoring equipment due to noncompliance with school rules and provisions of a student's service agreement, IEP or due to demonstrated unwillingness or inability of the student to safeguard the medication and monitoring equipment from access by other students.

(c) A school entity that prohibits a student from possessing and self-administering diabetes medication and operating monitoring equipment under subsection (b) shall ensure that the diabetes medication or monitoring equipment is appropriately stored in a readily accessible place in the school building

attended by the student. The school entity shall notify the school nurse and other identified school employes regarding the location of the diabetes medication and monitoring equipment and means to access them.

(d) For purposes of this section, the following terms shall have the following meanings:

"School entity" means a school district, intermediate unit, area vocational-technical school, charter school or cyber charter school.

"Diabetes medication" means glucagon and insulin.

(1414.5 added July 13, 2016, P.L.716, No.86)

Section 1414.6. Liability.--Nothing in section 1414.3, 1414.4 or 1414.5 shall be construed to create, establish or expand any civil liability on the part of any school entity or school employe.

(1414.6 added July 13, 2016, P.L.716, No.86)

Section 1414.7. Coordinating, Supervising or Educating Not Considered Delegation.--

(a) Notwithstanding any other law to the contrary, coordinating or supervising the provision of diabetes care by school employes authorized in sections 1414.3 and 1414.4 and providing education in accordance with section 1414.3 shall not be construed as a delegation by a licensed health care practitioner.

(b) A licensed health care practitioner who, acting in compliance with sections 1414.3 and 1414.4, coordinates or supervises care for a student or provides education to a school employe shall not be subject to any criminal or civil liability or any professional disciplinary action for the same.

(c) Notwithstanding any other provision of law, a school employe who is designated to provide diabetes medications to a student shall not be considered to be engaging in health-related activities which are reserved exclusively for licensed professionals.

(1414.7 added July 13, 2016, P.L.716, No.86)

Section 1414.8. Diabetes Care in Nonpublic Schools.--(a) A nonpublic school may comply with the education of school employes and provision of diabetes-related care to a student with diabetes required under sections 1414.3, 1414.4 and 1414.5. A written education plan that outlines the aids and related services required to meet the academic needs of the student with diabetes may take the place of a service agreement for a student with diabetes attending a nonpublic school unless a service agreement is otherwise required under law or regulation.

(b) Nothing in section 1414.3, 1414.4, 1414.5, 1414.6 or this section shall be construed to do any of the following:

(1) Create, establish or expand any obligations on the part of any nonpublic school to comply with section 504 of the Rehabilitation Act of 1973 (Public Law 93-112, 29 U.S.C. § 794).

(2) Create, establish, result in or expand any contractual obligations on the part of any nonpublic school.

(c) No nonpublic school employe or nonpublic school shall be liable for civil damages as a result of the activities authorized by sections 1414.3, 1414.4 and 1414.5, except that an employe may be liable for willful misconduct.