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CHANGE IN LAW AFFECTING SCHOOL STAFF AND STUDENTS WITH DIABETES

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An update to the Pennsylvania Public School Code now permits non-medical school staff to provide diabetes care and treatment for students with diabetes. In each school building there can now be at least one employee who is not the school nurse or medical professional to attend to students with diabetes.

A school employee who is not a licensed health care practitioner can now be designated in student 504 service agreements to administer medication, use monitoring equipment and provide other care for diabetic students, so long as he/she:

- Successfully completes education modules to be developed by the state, or
- Participates annually in education by a licensed health care practitioner with expertise in the care and treatment of diabetes

The education to be provided to the employee must be coordinated by the chief school administrator or their designee, and it should be noted that employees must have the right to refuse to be the appointed nonmedical staff member responsible for students with diabetes.

In order for students to access this accommodation, there must be a written request from the parent or guardian which includes notice that the school entity complies with the set of instructions from the student's health care provider. There must also be a statement from a parent or guardian relieving the school entity or any school employee of any responsibility for the prescribed medication or monitoring equipment. The written statement must include acknowledgment that the school bears no responsibility for ensuring that the medication is taken by the student and the monitoring equipment is used. Additionally, 504 service agreements may require transportation drivers to be informed that a specific student has diabetes, to identify potential emergencies for that student and delineate appropriate responses and to list emergency contact information.

Participation in state-designed training is essential to the school nurse and the employees that have responsibility to the student with diabetes and in mitigating potential liability. To the extent board policies regarding nursing services or the administration of medication exist, they should be modified pursuant to this change to the Pennsylvania Public School Code.

Clients who have questions regarding issues discussed in this article, or any education law matter, should feel free to call us at 215-345-9111.

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