

## **Definitions**

1. DMPT is an acronym for Diabetes Management and Treatment Plan.
2. IHP is an acronym for Individualized Health Plan.
3. School refers to Texas Leadership Public Schools (TLPS) including all of its associated campuses and district administration, and its personnel.
4. School employee means a person employed by a School, a local health department that assists the school under Health and Safety Code Chapter 168 (Care of Students with Diabetes), or another entity with whom the school has contracted to perform its duties under that chapter.
5. UDCA is an acronym for unlicensed diabetes care assistant and refers to a school employee who has successfully completed the required training [see UDCA TRAINING, below].

## **Diabetes Management and Treatment Plan**

1. Any student who seeks care for diabetes while at school or while participating in a school activity must have a Diabetes Management and Treatment Plan (DMTP). This plan will be developed by the parent or guardian of the student as well as the physician responsible for the student's diabetes treatment.
2. The DMTP must:
  - a. Evaluate the student's ability to manage and level of understanding of the student's diabetes;
  - b. Identify the health-care services the student may receive at school; and
  - c. Contain the signature and date of the student's parent or guardian and the physician.
3. Once the DMTP has been completed, the student's parent/guardian shall submitted it to the School for review by the school nurse. The DMTP should be submitted to the school:
  - a. Before or at the beginning of the school year; or
  - b. On enrollment of the student in the School, if the student enrolls after the beginning of the school year; or
  - c. As soon as practicable following a diagnosis of diabetes for the student.

*Health and Safety Code 168.002*

## **Individualized Health Plan**

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1. Upon receiving the student's DMTP, the campus principal, or designee, and the school nurse, if a school nurse is assigned to the school, shall develop an IHP for the student. The IHP shall be developed in collaboration with the student's parent or guardian and, to the extent practicable, the physician responsible for the student's diabetes treatment, and one or more of the student's teachers.
2. A student's IHP must incorporate components of the student's DMTP, including the information required under Health and Safety Code 168.002(b) [see REQUIRED ELEMENTS, above].

*Health and Safety Code 168.001(3), .003*

**Independent Monitoring and Treatment**

In accordance with the student's IHP, the School shall permit the student to attend to the management and care of the student's diabetes, which may include but is not limited to:

1. Performing blood glucose level checks;
2. Administering insulin through the insulin delivery system the student uses;
3. Treating hypoglycemia and hyperglycemia;
4. Possessing on the student's person at any time any supplies or equipment necessary to monitor and care for the student's diabetes; and
5. Otherwise attending to the management and care of the student's diabetes in the classroom, in any area of the school or school grounds, or at any school-related activity.

*Health and Safety Code 168.008*

**Required Care**

1. Each school shall adopt a procedure to ensure that a school nurse or at least one unlicensed diabetes care assistant (UDCA) is present and available to provide the required care to a student with diabetes during the regular school day.
  - a. A district may not restrict the assignment of a student with diabetes to a particular campus on the basis that the campus does not have the required UDCA's.

*Health and Safety Code 168.007(c)-(d)*

2. If a school nurse is assigned to a campus and the nurse is available, the nurse shall perform the tasks necessary to assist a student with diabetes in accordance with the student's IHP.
3. If a school nurse is not assigned to the campus or a school nurse is not available, a UDCA shall perform the tasks necessary to assist the student in accordance with

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the student's IHP and in compliance with any guidelines provided during UDCA training.

4. A UDCA may perform these tasks only if the parent or guardian of the student signs an agreement that:
  - a. Authorizes a UDCA to assist the student; and
  - b. States that the parent or guardian understands that a UDCA is not liable for civil damages [see IMMUNITY FROM LIABILITY, below].

*Health and Safety Code 168.007(a)*

5. A UDCA must have access to an individual with expertise in the care of persons with diabetes, such as a physician, a registered nurse, a certified diabetes educator, or a licensed dietitian; or

6. The principal must have access to the physician responsible for the student's diabetes treatment.

*Health and Safety Code 168.007(b)*

**Unlicensed Diabetes Care Assistants**

1. At each school in which a student with diabetes is enrolled, the principal, or designee, shall:
  - a. Seek school employees who are not health-care professionals to serve as UDCAs and to care for students with diabetes; and
  - b. Make efforts to ensure the school has:
    - i. At least one UDCA if a full-time nurse is assigned to the school; and
    - ii. At least three UDCAs if a full-time nurse is not assigned to the school.

2. A school employee may not be subject to any penalty or disciplinary action for refusing to serve as a UDCA.

3. A UDCA shall serve under the supervision of the principal.

*Health and Safety Code 168.001(5)–(6), .003–.004*

**UDCA Training**

1. Training for UDCAs must be provided by a health-care professional with expertise in the care of persons with diabetes or by a school nurse.
  - a. The training must include instruction in the elements set forth at Health and Safety Code 168.005(d).

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2. Training must be provided before the beginning of the school year or as soon as practicable following:
  - a. The enrollment of a student with diabetes at a campus that previously had no students with diabetes; or
  - b. A diagnosis of diabetes for a student at a campus that previously had no students with diabetes.
3. The school nurse or principal shall maintain a copy of the training guidelines and any records associated with the training.

*Health and Safety Code 168.005*

**Information to Employees**

A district shall provide to each district employee who is responsible for providing transportation for a student with diabetes or supervising a student with diabetes during an off-campus activity a one-page information sheet that:

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

*Health and Safety Code 168.006*

**Immunity from Liability**

1. A school employee may not be subject to any disciplinary proceeding, as defined by Education Code 22.0512(b), resulting from any action taken in compliance with Health and Safety Code Chapter 168. The requirements of Chapter 168 are considered to involve the employee's judgment and discretion and are not considered ministerial acts for purposes of immunity under Education Code 22.0511. *Health and Safety Code 168.009(a)*
2. A school nurse is not responsible for and may not be subject to disciplinary action under Occupations Code Chapter 301 for actions performed by a UDCA. *Health and Safety Code 168.009(b)*
3. A UDCA who assists a student as provided above in compliance with the student's IHP:
  - a. Is not considered to be engaging in the practice of professional or vocational nursing under Occupations Code Chapter 301 or other state law; and
  - b. Is exempt from any applicable state law or rule that restricts the activities that may be performed by a person who is not a health-care provider.

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4. A UDCA may exercise reasonable judgment in deciding whether to contact a health-care provider in the event of a medical emergency involving a student with diabetes.

*Health and Safety Code 168.007(e)–(f)*