LEGISLATIVE REPORT

SUBJECT: Relating to Education; Diabetes

REFERENCE: Act 214 (2015), HB10 HD2 SD2 CD1

ACTION REQUESTED: Report to the Legislature

DOE REPORT: Act 214 (2015) requires the Department of Education to report on (1) The status of the implementation of section 1 of this Act; (2) Any cost factors and considerations for the implementation of section 1 of this Act; (3) The training needs of the department of education to meet the requirements of section 1 of this Act; and (4) Any proposed legislation. Refer to Attachment 1: “Department of Education Report, Diabetes.”

Findings: See Attachment 1: Department of Education Report; Diabetes

Recommendations: None
INTRODUCTION:

Prior to school year 2015-16, pursuant to Section 302A-1164 HRS, Department of Education (Department) employees and agents were authorized to volunteer to administer auto-injectable epinephrine to a student with anaphylaxis when needed.

Act 214 (2015) further authorizes Department employees to volunteer to assist in the testing of diabetes for students, and administer insulin or glucagon for students in an emergency situation.

Additionally, students with diabetes are allowed to carry their diabetes medication, and self-test and self-manage their illness during the school day and/or any school-related activity. Instruction in the proper administration of insulin, glucagon, or auto-injectable epinephrine moreover shall be provided by a “qualified health care professional,” as defined in the section.

The Department has worked together with the Hawaii State Department of Health (Department of Health) and the American Diabetes Association in improving systems and communication between all parties regarding the care and support of students with diabetes. As shared during the 2015 Legislative Session, a protocol for supporting students with diabetes has been established in partnership with the Department of Health and the American Diabetes Association.
STATUS OF ACT 214 (2015) IMPLEMENTATION:

(1) The status of the implementation of section 1 of this Act

- **Diabetes:** During the first quarter of school year 2015-16, 221 students with diabetes in the Department have been identified. Refer to Table 1.

  As of October 2015, the Department has received the necessary completed forms including physician and parent/legal guardian certifications regarding self-management of diabetes for 124 students, or 56 percent.

  The written certifications attest and authorize these students to able to carry their diabetes medication; perform self-test and self-care of their diabetes during the school day and/or any school-related activity; and have been instructed in the proper method of self-administration of medication.

  **TABLE 1:**

<table>
<thead>
<tr>
<th>DISTRICT</th>
<th>SCHOOL YEAR 2015-16 FIRST QUARTER DATA 7/1/2015 to 10/2/2015</th>
<th>FIRST QUARTER TOTAL NUMBER OF STUDENTS WITH DIABETES CERTIFIED TO SELF-MANAGE (Students are able to self-test and self-manage their diabetes during the school day and/or any school-related activity.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Honolulu</td>
<td>26</td>
<td>16</td>
</tr>
<tr>
<td>Central</td>
<td>49</td>
<td>29</td>
</tr>
<tr>
<td>Leeward</td>
<td>54</td>
<td>30</td>
</tr>
<tr>
<td>Windward</td>
<td>26</td>
<td>13</td>
</tr>
<tr>
<td>E. Hawaii</td>
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<td>11</td>
</tr>
<tr>
<td>W. Hawaii</td>
<td>13</td>
<td>6</td>
</tr>
<tr>
<td>Maui</td>
<td>23</td>
<td>15</td>
</tr>
<tr>
<td>Kauai</td>
<td>9</td>
<td>4</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>221</strong></td>
<td><strong>124</strong></td>
</tr>
</tbody>
</table>

*Compilation of Second Quarter Data will be completed in January 2016.

- **Epi-Pens:** During the first quarter of school year 2015-16, 1003 students who use epi-pens in the Department of Education have been identified. Refer to Table 2.

  As of October 2015, forms and parent/legal guardian certifications to carry epi-pens have been received by the Department for 187 students, or approximately 19 percent. The remaining 816 students store their epi-pens in the school health room at their school.

  The written certifications attest and authorize these students are able to responsibly carry their epi-pen during the school day and/or any school-related activity; and have been instructed in the proper method of self-administration of medication.
TABLE 2:
EPI-PENS – Total Identified Students, Students Certified to Self-Administer, and First Quarter Administration

<table>
<thead>
<tr>
<th>DISTRICT</th>
<th>SCHOOL YEAR 2015-16 FIRST QUARTER DATA 7/1/2015 to 10/2/2015 TOTAL NUMBER OF STUDENTS USING EPI-PENS</th>
<th>FIRST QUARTER TOTAL NUMBER OF STUDENTS USING EPI-PENS CERTIFIED TO SELF-MANAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Honolulu</td>
<td>228</td>
<td>45</td>
</tr>
<tr>
<td>Central</td>
<td>247</td>
<td>44</td>
</tr>
<tr>
<td>Leeward</td>
<td>217</td>
<td>36</td>
</tr>
<tr>
<td>Windward</td>
<td>104</td>
<td>18</td>
</tr>
<tr>
<td>E. Hawaii</td>
<td>40</td>
<td>7</td>
</tr>
<tr>
<td>W. Hawaii</td>
<td>33</td>
<td>12</td>
</tr>
<tr>
<td>Maui</td>
<td>87</td>
<td>14</td>
</tr>
<tr>
<td>Kauai</td>
<td>47</td>
<td>11</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>1,003</strong></td>
<td><strong>187</strong></td>
</tr>
</tbody>
</table>

*Compilation of Second Quarter Data will be completed in January 2016.

(2) Any cost factors and considerations for the implementation of section 1 of this Act.

- **School Health Aides:** School health aides (SHAs) are responsible for the form processing associated with the implementation of Act 214. During school year 2015-16, the Department will monitor the additional workload and any potential cost implications for future consideration. Notably, salaries for school health aides are budgeted within the Weighted Student Formula (WSF) funds and an aide’s workday is 6.5 hours per day.

(3) The training needs of department of education to meet the requirements of section 1 of this Act.

- **Training:** Public health nurses (PHNs) from the Hawaii State Department of Health’s Public Health Nursing Branch continue to provide schools with training in epi-pen administration and diabetes care. SHAs also receive epi-pen training as part of their required certification in first aid.

(3) Any proposed legislation.

- **Legislation:** None. During school year 2015-16, the Department will continue to monitor the implementation of Act 214 and, if warranted, propose legislation during the 2017 Legislative session.
§302A-1164 Self-administration of medication by student and emergency administration; self-testing and self-management of diabetes by student; assistance with diabetes testing; permitted.

(a) The department shall permit:

(1) The self-administration of medication by a student for asthma, anaphylaxis, diabetes, or other potentially life-threatening illnesses; and

(2) Department employees and agents to volunteer to administer:

(A) Insulin or assist a student in administering insulin via the insulin delivery system that the student uses;

(B) Glucagon in an emergency situation to students with diabetes; or

(C) Auto-injectable epinephrine in an emergency situation to students with anaphylaxis.

(b) The student's parent or guardian shall provide the department with:

(1) Written authorization for the self-administration of medication or the emergency administration of glucagon or auto-injectable epinephrine;

(2) In the case of self-administration of medication:

(A) Written certification from the student's physician, advanced practice registered nurse, or physician assistant stating that the student with diabetes may perform the student's own blood glucose checks, administer insulin through the student's insulin delivery system, and otherwise attend to the care and management of the student's diabetes during any school-related activity, and that the student may possess on the student's person all necessary supplies and equipment to perform the diabetes monitoring and treatment activities, if applicable; and

(B) Written certification from the student's physician, advanced practice registered nurse, or physician assistant stating that the student:

(i) Has asthma, anaphylaxis, or another potentially life-threatening illness; and

(ii) Is capable of, and has been instructed in, the proper method of self-administration of medication; and

(3) In the case of administration of insulin or emergency administration of glucagon to a student with diabetes or auto-injectable epinephrine to a student with anaphylaxis, written certification from the student's physician, advanced practice registered nurse, or physician assistant stating that the student has medical orders that insulin, glucagon, or auto-injectable epinephrine may be administered by a volunteer.
(c) The department shall inform the student's parent or guardian in writing that the department and its employees or agents shall not incur any liability as a result of any injury arising from compliance with this section.

(d) The student's parent or guardian shall sign a statement acknowledging that:

(1) The department and its employees or agents shall not incur any liability as a result of any injury arising from compliance with this section; and

(2) The parent or guardian shall indemnify and hold harmless the department and its employees or agents against any claims arising out of compliance with this section.

(e) The permission shall be effective for the school year for which it is granted and shall be renewed for each subsequent school year upon the fulfillment of the requirements in this section.

(f) Notwithstanding any other law to the contrary, a student who is permitted to self-administer medication under this section shall be permitted to carry an inhaler or auto-injectable epinephrine, or both, at all times if the student does not endanger the student's person or other persons through the misuse of the inhaler; provided that the department, its employees or agents may confiscate a student's medication, inhaler, or auto-injectable epinephrine if the student's self-administration of the medication exceeds the student's prescribed dosage, or if the student endangers others with the student's medication, inhaler, or auto-injectable epinephrine.

For the purposes of this section, the term "inhaler" includes:

(1) Metered-dose, breath-actuated, and dry powder inhalers; and

(2) Spacers and holding chambers.

(g) Any employee or agent who volunteers to administer insulin or glucagon in an emergency situation to a student with diabetes or auto-injectable epinephrine to a student with anaphylaxis shall receive instruction in the proper administration of insulin, glucagon, or auto-injectable epinephrine by a qualified health care professional. A "qualified health care professional" means a licensed physician, physician assistant, advanced practice registered nurse or registered nurse, or certified diabetes educator. The student's parent or guardian shall supply the school with the glucagon kit required to administer the glucagon, any supplies necessary to administer insulin, or with auto-injectable epinephrine supplies to administer epinephrine. The school shall store the glucagon kit, insulin supplies, or auto-injectable epinephrine supplies in a secure but accessible location.

(h) Any person, except for a qualified health care professional providing the training required in subsection (g), who acts in accordance with the requirements of this section shall be immune from any civil or criminal liability arising from these acts, except where the person's conduct would constitute gross negligence, wilful and wanton misconduct, or intentional misconduct. [L 2004, c 19, §1; am L 2005, c 207, §1; am L 2009, c 151, §10; am L 2015, c 214, §1]
DIABETES CARE MODEL FLOW CHART FOR STUDENTS WITH DIABETES IN HAWAII PUBLIC SCHOOLS

The Model Flow Chart for Diabetes Care is intended for parents/legal guardians to understand the processes, forms, and stakeholders involved in providing supports for students with diabetes. The goals of the supports are to enable the student with diabetes to successfully and safely self-manage diabetes during school and school related activities in order to maximize their learning, and to achieve a successful transition into college, career, and citizenship.

**STEP 1:** Diagnosis of Type 1 or Type 2 by Hospital/Physician

**Collaboration/Communication**

**STEP 2:** Student Services Coordinator (SSC) or School Health Aide (SHA)

**STEP 3:** Request and Complete Forms

**STEP 4:** Student Focus Team (SFT)

**STEP 5:** 504 or IDEA

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**Processes:**
1. A Student Focused Team (SFT) meeting is convened to discuss concerns and needs of the student within 15 days from the date the SSC receives the completed Form 101 from the parent/legal guardian.
2. The school then has 60 days from the SFT meeting to determine if additional evaluations are needed and conduct a 504 or IDEA meeting to complete a 504 or Individual Education Program (IEP).

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**Forms:**
TO BE COMPLETED BY PARENTS/Legal Guardians:
1. Form 101: Request for Evaluation and Services.
2. **SH-36D M:** Request for Diabetes Care and Insulin Administration.
3. **Act 207:** Glucagon Administration by Volunteers.
4. **Form J1:** Request for Special Dietary Medical Form.
5. **Form 14** (entry form for all students).
6. School Emergency Card (completed annually or as needed).

TO BE COMPLETED BY PHN:
1. PHN Consultation Report.
2. ISDP: Individual Student Diabetes Plan.

**Must be signed by a physician.
ROLES AND RESPONSIBILITIES

PARENT/LEGAL GUARDIAN:
- Express concern by completing Form 101; discuss concerns with Student Services Coordinator (SSC) or the School Health Aide (SHA).
- Request and complete all forms and return to Public Health Nurse (PHN).
- Collaborate with the PHN to develop an Individualized School Diabetes Plan (ISDP) and an Emergency Action Plan (EAP).
- Request 504 Plan.
- Provide and maintain all supplies/equipment needed for diabetes care in the school.
- Provide snacks, an emergency kit, etc. to assist with treating a hypoglycemia.
- Communicate with school, public health nurse with any updates or changes that need to be made to the ISDP and/or 504.

PUBLIC HEALTH NURSE
- Complete Nursing Assessment and Recommendations.
- Communicate with parents, school, and primary care physician to develop an ISDP, EAP, and 504 Plan.
- Assist in the training for volunteer school personnel in diabetes care.
- Monitor student's diabetes status in schools and discuss concerns with parent or legal guardian and physician.
- Support and advocate for student and parents

SCHOOL
- Provide all forms applicable and requested to Parent/Legal Guardian.
- Provide accommodations to support the student with diabetes as indicated by the ISDP, EAP, and 504 Plan.
- Communicate special events (birthdays, field trips, etc.), with parents/legal guardians to ensure that adjustments may be made for the student if necessary. These events should also be noted in the ISDP.
- Have appropriate volunteer school personnel trained in diabetes care, and/or provide contract nursing services as needed.

STUDENT
- Establish goals to Self-Management and steps to be able achieve such goals.
- Inform appropriate person(s) regarding needs, feelings, concerns, etc.

GLOSSARY

504 Team: A group of persons knowledgeable about the student, the meaning of the evaluation data, and the placement options including teachers, counselors, the principal or designee, the parent of the student, and may also include others such as the health aide, custodian, cafeteria manager, who might be involved in the evaluation or 504 plan.

IEP: Individualized Education Program: A written statement for each child with a disability that is developed, reviewed, and revised in a meeting in accordance with federal regulations.

IEP Team: A group of persons that include parents, teachers, and Dept. of Education representatives who work to complete an individualized education program (IEP) for a student with a disability found eligible under IDEA/Chapter 60.

IDEA: Individuals with Disabilities Education Act: Federal law that governs how states and public agencies provide early intervention, special education, and related services to children with disabilities.

ISDP: Individual Student Diabetes Plan: Plan developed and signed by the student's personal health care team and parent/guardian with the specific needs of an individual student in mind. It should detail all the elements of care and assistance for that student.

Section 504 Plan: Provides the provision of accommodations and related services based on the needs of the individual student in the general education setting. The 504 Plan affords equal educational opportunity and ensures that the qualified student with a disability receives an education comparable to that of his/her non-disabled peers.

SHA: Student Health Aide: School level staff member who provides emergency first aide care to ill and injured students, maintains the health room, and is responsible for health room documentation and student health records.

SFT: Student-Focused Team: Group composed of various school personnel, parents, and other service providers that meet to determine the need for evaluation and eligibility of Section 504 and/or IDEA.

SSC: Student Services Coordinator: The school level staff member who does the intake of all Form 101 (Request for Evaluation) and coordinates Student-Focused Team meetings.