

## LEGISLATIVE BILL 1107

Approved by the Governor April 12, 2006

Introduced by Thompson, 14; Redfield, 12; Schimek, 27; Price, 26

AN ACT relating to schools; to provide for student self-management of diabetes at school and school-related activities.

Be it enacted by the people of the State of Nebraska,

Section 1. (1) An approved or accredited public, private, denominational, or parochial school shall allow a student with diabetes to self-manage his or her diabetic condition upon written request of the student's parent or guardian and authorization of the student's physician, upon receipt of a signed statement under subsection (5) of this section, and pursuant to a diabetes medical management plan developed under subsection (2) of this section.

(2) Upon receipt of a written request and authorization under subsection (1) of this section, the school and the parent or guardian, in consultation with the student's physician, shall develop a diabetes medical management plan for the student for the current school year. The plan shall (a) identify the health care services the student may receive at school relating to such condition, (b) evaluate the student's understanding of and ability to self-manage his or her diabetic condition, (c) permit regular monitoring of the student's self-management of his or her diabetic condition by an appropriately credentialed health care professional, and (d) be signed by the student's parent or guardian and the physician responsible for treatment of the student's diabetic condition. The school may consult with a registered nurse or other health care professional employed by such school during development of the plan. The plan and the signed statement required by subsection (5) of this section shall be kept on file at the school where the student is enrolled.

(3) Pursuant to the diabetes medical management plan developed under subsection (2) of this section, a student with a diabetic condition shall be permitted to self-manage his or her diabetic condition in the classroom or any part of the school or on school grounds during any school-related activity or in any private location specified in the plan.

(4) (a) A school may prohibit a student from possessing the necessary medical supplies to self-manage his or her diabetic condition or place other necessary and appropriate restrictions or conditions on the student's self-management of his or her diabetic condition if the school determines that the student has endangered himself, herself, or others through the misuse or threatened misuse of such medical supplies. The school shall promptly notify the parent or guardian of any prohibition, restriction, or condition imposed.

(b) If a student for whom a diabetes medical management plan has been developed under this section injures school personnel or another student as the result of the misuse of necessary diabetic medical supplies, the parent or guardian of the student for whom such plan has been developed shall be responsible for any and all costs associated with such injury.

(5) The parent or guardian of a student for whom a diabetes medical management plan has been developed under this section shall sign a statement acknowledging that (a) the school and its employees and agents are not liable for any injury or death arising from a student's self-management of his or her diabetic condition and (b) the parent or guardian shall indemnify and hold harmless the school and its employees and agents against a claim arising from a student's self-management of his or her diabetic condition.