

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

HOUSE ENROLLED ACT No. 1116

AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 20-28-5-3, AS ADDED BY P.L.246-2005, SECTION 157, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. (a) The department shall designate:

- (1) the grade point average required for each type of license; and
- (2) the types of licenses to which the teachers' minimum salary laws apply, including nonrenewable one (1) year limited licenses.

(b) The department shall determine details of licensing not provided in this chapter, including requirements regarding the following:

- (1) The conversion of one (1) type of license into another.
- (2) The accreditation of teacher education schools and departments.
- (3) The exchange and renewal of licenses.
- (4) The endorsement of another state's license.
- (5) The acceptance of credentials from teacher education institutions of another state.
- (6) The academic and professional preparation for each type of license.
- (7) The granting of permission to teach a high school subject area related to the subject area for which the teacher holds a license.
- (8) The issuance of licenses on credentials.

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- (9) The type of license required for each school position.
- (10) The size requirements for an elementary school requiring a licensed principal.
- (11) Any other related matters.

The department shall establish at least one (1) system for renewing a teaching license that does not require a graduate degree.

(c) After June 30, 2007, the department may not issue an initial teaching license at any grade level to an applicant for an initial teaching license unless the applicant shows evidence that the applicant:

- (1) has successfully completed training approved by the department in:**
 - (A) cardiopulmonary resuscitation that includes a test demonstration on a mannequin;**
 - (B) removing a foreign body causing an obstruction in an airway; and**
 - (C) the Heimlich maneuver;**
- (2) holds a valid certification in each of the procedures described in subdivision (1) issued by:**
 - (A) the American Red Cross;**
 - (B) the American Heart Association; or**
 - (C) a comparable organization or institution approved by the advisory board; or**
- (3) has physical limitations that make it impracticable for the applicant to complete a course or certification described in subdivision (1) or (2).**

- ~~(c)~~ **(d) The department shall periodically publish bulletins regarding:**
 - (1) the details described in subsection (b);**
 - (2) information on the types of licenses issued;**
 - (3) the rules governing the issuance of each type of license; and**
 - (4) other similar matters.**

SECTION 2. IC 20-34-5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:

Chapter 5. Care of Students With Diabetes

Sec. 1. As used in this chapter, "diabetes management and treatment plan" means a plan prepared under section 12 of this chapter.

Sec. 2. As used in this chapter, "health care services" has the meaning set forth in IC 27-8-11-1.

Sec. 3. As used in this chapter, "individualized health plan" means a coordinated plan of care designed to meet the unique

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health care needs of a student with diabetes in a school setting.

Sec. 4. As used in this chapter, "licensed health care practitioner" means an individual who:

- (1) is licensed to provide health care services; and
- (2) has prescriptive authority;

under IC 25.

Sec. 5. As used in this chapter, "physician" refers to an individual who is licensed under IC 25-22.5.

Sec. 6. As used in this chapter, "registered nurse" refers to an individual who is licensed as a registered nurse under IC 25-23.

Sec. 7. As used in this chapter, "school" refers to a public school, including a charter school.

Sec. 8. As used in this chapter, "school employee" means an individual employed by:

- (1) a public school, including a charter school, or an accredited nonpublic school;
- (2) a local health department working with a school under this chapter; or
- (3) another entity with which a school has contracted to perform the duties required under this chapter.

Sec. 9. As used in this chapter, "school nurse" refers to an individual who:

- (1) is employed by a school;
- (2) is licensed as a registered nurse under IC 25-23; and
- (3) meets the requirements set forth in 515 IAC 8-1-47.

Sec. 10. As used in this chapter, "student" refers to a student with diabetes.

Sec. 11. As used in this chapter, "volunteer health aide" means a school employee who:

- (1) is not licensed or authorized to provide health care services under IC 25;
- (2) volunteers to act in the capacity of a volunteer health aide; and
- (3) has successfully completed the training described in section 14 of this chapter.

Sec. 12. (a) A diabetes management and treatment plan must be prepared and implemented for a student with diabetes for use during school hours or at a school related activity. The plan must be developed by:

- (1) the licensed health care practitioner responsible for the student's diabetes treatment; and
- (2) the student's parent or legal guardian.

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- (b) A diabetes management and treatment plan must:
- (1) identify the health care services or procedures the student should receive at school;
 - (2) evaluate the student's:
 - (A) ability to manage; and
 - (B) level of understanding of;the student's diabetes; and
 - (3) be signed by the student's parent or legal guardian and the licensed health care practitioner responsible for the student's diabetes treatment.

(c) The parent or legal guardian of a student with diabetes shall submit a copy of the student's diabetes management and treatment plan to the school nurse. The plan must be submitted to and be reviewed by the school nurse:

- (1) before or at the beginning of a school year;
- (2) at the time the student enrolls, if the student is enrolled in school after the beginning of the school year; or
- (3) as soon as practicable following a diagnosis of diabetes for the student.

Sec. 13. (a) An individualized health plan must be developed for each student with diabetes while the student is at school or participating in a school activity. The school's nurse shall develop a student's individualized health plan in collaboration with:

- (1) to the extent practicable, the licensed health care practitioner responsible for the student's diabetes treatment;
- (2) the school principal;
- (3) the student's parent or legal guardian; and
- (4) one (1) or more of the student's teachers.

(b) A student's individualized health plan must incorporate the components of the student's diabetes management and treatment plan.

Sec. 14. (a) At each school in which a student with diabetes is enrolled, the school principal, after consultation with the school nurse, shall:

- (1) seek school employees to serve as volunteer health aides; and
- (2) make efforts to ensure that the school has an adequate number of volunteer health aides to care for students.

(b) A volunteer health aide, while providing health care services, serves under the supervision and authorization of the principal and the school nurse in accordance with the requirements that apply to the school nurse under IC 25-23.

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(c) A volunteer health aide must have access to the school nurse, in person or by telephone, during the hours that the volunteer health aide serves as a volunteer health aide.

(d) A school employee may not be subject to any disciplinary action for refusing to serve as a volunteer health aide. The school shall inform school employees that participation as a volunteer health aide is voluntary. A school employee who volunteers as a volunteer health aide may elect to perform only those functions that the school employee:

- (1) chooses to perform; and
- (2) is trained to perform in the training program described in section 15 of this chapter.

Sec. 15. (a) The department may cooperate with the state department of health in the development of a diabetes training program for school nurses. The department, with the assistance of physicians or registered nurses who are qualified in the area of diabetes training, shall provide annual diabetes training programs to school nurses. The training must include technological advances, current standards of practice for diabetes management and training, and instruction in the following:

- (1) Developing individualized health plans for students with diabetes that follow the orders of a licensed health care practitioner.
- (2) Recognizing and treating the symptoms of hypoglycemia and hyperglycemia.
- (3) Understanding the current standards of practice and the proper action to take if the blood glucose levels of a student are outside the target ranges indicated on the student's diabetes management and treatment plan.
- (4) Performing tests to check glucose and ketone levels, and recording the results.
- (5) Properly administering glucagon, insulin, or other emergency treatments prescribed by the licensed health care practitioner, and recording the results.
- (6) Recognizing complications that require emergency medical assistance.
- (7) Understanding recommended schedules and food intake for meals and snacks for a student, the effect of physical activity on blood glucose levels, and the proper action to be taken if a student's schedule referred to in this subdivision is disrupted.

(b) The department may cooperate with the state department of

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health in the development of a diabetes training program for volunteer health aides. The department, with the assistance of physicians and registered nurses who are qualified in the area of diabetes training, shall provide a diabetes training program for volunteer health aides which includes the most current standards of practice and technology for diabetes treatment. The training must include the following:

- (1) Implementing the orders of a licensed health care practitioner.
 - (2) Recognizing and treating the symptoms of hypoglycemia and hyperglycemia consistent with the orders of the licensed health care practitioner.
 - (3) Performing tests to check glucose and ketone levels, and recording the results.
 - (4) Properly administering glucagon, insulin, or other emergency treatments as prescribed, and recording the results.
 - (5) Recognizing complications that require emergency medical assistance.
 - (6) Understanding:
 - (A) recommended schedules and food intake for meals and snacks;
 - (B) the effect of physical activity on blood glucose levels; and
 - (C) the proper action to be taken if a student's schedule is disrupted.
- (c) The school nurse shall coordinate:
- (1) the training of school employees acting as volunteer health aides, using the training program developed under subsection (b); and
 - (2) the record keeping and monitoring of a volunteer health aide acting under this chapter.
- (d) Training for volunteer health aides must be provided by a health care professional with expertise in the care of individuals with diabetes or by a school nurse. The training must be provided before the beginning of the school year or as soon as practicable following:
- (1) the enrollment; or
 - (2) the diagnosis;
- of a student with diabetes at a school that previously had no students with diabetes.
- (e) The school nurse or principal shall maintain a copy of the

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training program and the records of training completed by school employees.

Sec. 16. (a) The school nurse shall perform the tasks necessary to assist a student in carrying out the student's individualized health plan.

(b) When necessary, a volunteer health aide may perform the tasks necessary to assist a student in carrying out the student's individualized health plan, in compliance with the training guidelines provided under section 15 of this chapter.

(c) A volunteer health aide may act under this section only if the parent or legal guardian of the student signs an agreement that:

- (1)** authorizes a volunteer health aide to assist the student; and
- (2)** states that the parent or legal guardian understands that, as provided under IC 34-30-14, a volunteer health aide is not liable for civil damages for assisting in the student's care.

(d) A volunteer health aide who assists a student under this section:

- (1)** is not considered to be engaging in the practice of nursing; and
- (2)** is exempt from applicable statutes and rules that restrict activities that may be performed by an individual who is not an individual licensed or authorized under IC 25 to provide health care services.

(e) A school corporation may not restrict the assignment of a student to a particular school on the sole basis of whether the school has volunteer health aides.

Sec. 17. (a) As provided in a student's individualized health plan, a school shall, except in an emergency, allow the student to attend to the management and care of the student's diabetes if the student has been evaluated and determined to be capable of doing so as reflected in the student's individual health plan and the student's diabetes management and treatment plan, including the following activities:

- (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 the supplies or equipment necessary to monitor and care for the student's diabetes.
- (5)** Otherwise attending to the management and care of the

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student's diabetes in the classroom, in any area of the school or school grounds, or at any school related activity.

(b) The school nurse shall, in accordance with the requirements that apply to the school nurse under IC 25-23, establish a procedure through which a student described in subsection (a) is cared for in an emergency.

Sec. 18. A school shall provide the individual who is responsible for providing transportation for or supervising a student with diabetes during an off-campus school related activity an information sheet that:

- (1) identifies the student with diabetes;
- (2) identifies potential emergencies that may occur as a result of the diabetes and appropriate responses to an emergency; and
- (3) provides the telephone number of a contact in case an emergency occurs.

SECTION 3. IC 34-6-2-15.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 15.7. "Basic life support" has the meaning set forth in IC 16-18-2-33.5.**

SECTION 4. IC 34-30-14-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. A school or school board may not:

- (1) require a teacher or other school employee who is not employed as a school nurse or physician to administer:
 - (A) medication, drugs, or tests described in section 2 of this chapter; or
 - (B) **health care services, basic life support, or other services that require the teacher or employee to place the teacher's or employee's hands on a pupil for therapeutic or sanitary purposes; or**
- (2) discipline a teacher or other school employee who:
 - (A) is not employed as a school nurse or physician; and
 - (B) refuses to administer medication, drugs, or tests without the written:
 - (i) authority of a pupil's parent or guardian; or
 - (ii) order of a practitioner;
 required under section 2 of this chapter; **or** - (C) **refuses to administer health care services, basic life support, or other services that require the teacher or employee to place the teacher's or employee's hands on a pupil for therapeutic or sanitary purposes.**

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SECTION 5. IC 34-30-14-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. If compliance with sections 3 and 4 of this chapter has occurred, a school administrator, teacher, or other school employee designated by the school administrator, after consultation with the school nurse, who in good faith administers **to a pupil:**

- (1) a nonprescription medication in compliance with the written permission of the pupil's parent or guardian, except in the case of a life threatening emergency;
- (2) a legend drug (as defined in IC 16-18-2-199 and including injectable insulin) in compliance with the:
 - (A) written order of a practitioner; and
 - (B) written permission of the pupil's parent or guardian, except in the case of a life threatening emergency;
- (3) a ~~blood~~ glucose test ~~by finger prick~~ in compliance with the written order of a practitioner; ~~or~~
- (4) health care services, basic life support, or other services that require the administrator, teacher, or employee to place the administrator's, teacher's, or employee's hands on the pupil for therapeutic or sanitary purposes; or**

~~(4)~~ **(5) any combination of subdivisions (1) through (3); (4);** ~~to a pupil~~ is not **personally** liable for civil damages **for any act that is incident to or within the scope of the duties of the employee** as a result of the administration except for an act or omission amounting to gross negligence or willful and wanton misconduct.

SECTION 6. IC 34-30-14-7 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 7. A teacher:**

- (1) who meets the requirement of IC 20-28-5-3(c); and**
- (2) who:**
 - (A) performs cardiopulmonary resuscitation on;**
 - (B) performs the Heimlich maneuver on; or**
 - (C) removes a foreign body that is obstructing an airway of;**

another person, in the course of employment as a teacher; is not liable in a civil action for damages resulting from an act or omission occurring during the provision of emergency assistance under this section, unless the act or omission constitutes gross negligence or willful and wanton misconduct.

SECTION 7. [EFFECTIVE UPON PASSAGE] **(a) Although IC 20-28-5-3(c), as amended by this act, applies beginning July 1, 2007, a college or university located in Indiana may recommend to**

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a person who has been accepted in a teacher training program before July 1, 2007, that the person should meet the requirements of IC 20-28-5-3(c), as amended by this act.

(b) This SECTION expires June 30, 2009.

SECTION 8. [EFFECTIVE JULY 1, 2007] (a) As used in this SECTION, "ADM" refers to a school corporation's average daily membership determined under IC 20-43-4-2.

(b) As used in this SECTION, "school corporation" means a public school corporation established by Indiana law. The term includes a:

- (1) school city;
- (2) school town;
- (3) school township;
- (4) consolidated school corporation;
- (5) metropolitan school district;
- (6) township school corporation;
- (7) county school corporation;
- (8) united school corporation; or
- (9) community school corporation.

(c) On the date a school corporation reports the school corporation's ADM for the 2007-2008 school year, the school corporation shall also report:

- (1) the number of students in the school corporation who have a chronic disease, by disease category; and
- (2) the number of school nurses.

Chronic disease includes asthma, diabetes, and any other disease the department of education determines is significant for the school corporation to report.

(d) The department of education shall provide the information required to be reported in subsection (c) to the health finance commission established by IC 2-5-23-3 not later than sixty (60) days after the department of education receives the reported information.

(e) This SECTION expires June 30, 2008.

SECTION 9. [EFFECTIVE JULY 1, 2007] (a) Notwithstanding IC 20-28-5-3(c), as amended by this act, the requirements set forth in IC 20-28-5-3(c) do not apply to an applicant who has received an initial teaching license at any grade level before August 1, 2007, and who seeks initial employment as a teacher under that license for the 2007-2008 school year.

(b) This SECTION expires June 30, 2008.

SECTION 10. An emergency is declared for this act.

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Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

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