

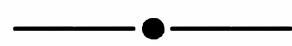
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HB-2548

FILED

2006 APR -3 P 4:17

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**WEST VIRGINIA LEGISLATURE**  
SECOND REGULAR SESSION, 2006



**ENROLLED**

COMMITTEE SUBSTITUTE  
FOR  
**House Bill No. 2548**

(By Delegates Tucker, Perdue, Leach,  
Long, Marshall, Trump and Canterbury)



Passed March 9, 2006

In Effect Ninety Days from Passage

FILED

2006 APR -3 P 4: 17

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**E N R O L L E D**

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FOR

**H. B. 2548**

(BY DELEGATES TUCKER, PERDUE, LEACH,  
LONG, MARSHALL, TRUMP AND CANTERBURY)

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[Passed March 9, 2006; in effect ninety days from passage.]

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AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-2K-1, §18-2K-2, §18-2K-3 and §18-2K-4, all relating to establishment of individual diabetes care plans for students with diabetes by county boards of education; requiring the State Board of Education to adopt guidelines for the development and implementation of individual diabetes care plans on or before the first day of January, two thousand seven; requiring each county board of education to adopt a diabetes care plan meeting the guidelines for diabetes care plans adopted by the State Board of Education; requiring the State Board of Education to report to the Legislature regarding adoption of the guidelines and the establishment and implementation of diabetes care plans by county boards of education.

*Be it enacted by the Legislature of West Virginia:*

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new article, designated §18-2K-1, §18-2K-2, §18-2K-3 and §18-2K-4, all to read as follows:

**ARTICLE 2K. THE DIABETES CARE PLAN ACT.**

**§18-2K-1. Title of article.**

1 This article shall be known as "The Diabetes Care Plan Act."

**§18-2K-2. Adoption of guidelines for individual diabetes care plans.**

1 (a) The State Board of Education shall adopt guidelines for  
2 the development and implementation of individual diabetes care  
3 plans on or before the first day of January, two thousand seven.  
4 The guidelines for information and allowable actions in a  
5 diabetes care plan shall meet or exceed the American Diabetes  
6 Association's recommendations for the management of children  
7 with diabetes in the school and day care setting. The State  
8 Board of Education shall consult with the Bureau for Public  
9 Health and the Department of Health and Human Resources in  
10 the development of these guidelines. The State Board of  
11 Education also shall consult with county board of education  
12 employees who have been designated as responsible for  
13 coordinating their individual county's efforts to comply with  
14 federal regulations adopted under Section 504 of the Rehabilita-  
15 tion Act of 1973, as amended, 29 U.S.C. § 794. In its develop-  
16 ment of these guidelines, the State Board of Education shall  
17 consider recent resolutions by the Office of Civil Rights of the  
18 United States Department of Education regarding investigation  
19 of complaints alleging discrimination against students with  
20 diabetes.

21 The guidelines adopted by the state board shall include:

22 (1) Procedures for school nurses to develop an individual  
23 diabetes care plan for any student diagnosed with diabetes,  
24 which shall involve the parent or guardian, the student's health

25 care provider, the student's classroom teacher, the student if  
26 appropriate, and other appropriate school personnel;

27 (2) Procedures for regular review of an individual care plan.

28 (3) Information to be included in a diabetes care plan,  
29 including the responsibilities and appropriate staff development  
30 for teachers and other school personnel, an emergency care  
31 plan, the identification of allowable actions to be taken, the  
32 extent to which the student is able to participate in the student's  
33 diabetes care and management and other information necessary  
34 for teachers and other school personnel in order to offer  
35 appropriate assistance and support to the student; and

36 (4) Procedures for information and staff development to be  
37 made available to teachers and other school personnel in order  
38 to appropriately support and assist students with diabetes.

39 (b) The State Board of Education shall provide that the  
40 guidelines and any subsequent changes are published and  
41 disseminated to county boards of education.

**§18-2K-3. Establishment and implementation of diabetes care  
plans by county boards to support and assist  
students with diabetes.**

1 Each county board of education shall establish and adopt a  
2 diabetes care plan which shall be implemented in schools in  
3 which students diagnosed with diabetes are enrolled. The plan  
4 shall be adopted not later than six months after the State Board  
5 of Education adopts guidelines for the plans pursuant to section  
6 two of this article. The plan shall meet all of the guidelines for  
7 diabetes care plans adopted by the State Board of Education  
8 pursuant to section two of this article. In particular, the boards  
9 shall require the implementation of the procedures set forth in  
10 those guidelines for the development and implementation of  
11 individual diabetes care plans. County boards also shall make

12 available necessary information and staff development to  
13 teachers and school personnel in order to appropriately support  
14 and assist students with diabetes in accordance with their  
15 individual diabetes care plans.

**§18-2K-4. Progress report to the Legislature.**

1 The State Board of Education shall report no later than the  
2 first day of September, two thousand seven, to the Legislative  
3 Oversight Commission on Health and Human Resources  
4 Accountability on the board's progress regarding the adoption  
5 and dissemination of the guidelines pursuant to section two of  
6 this article and the establishment and implementation of  
7 diabetes care plans by county boards of education pursuant to  
8 section three of this article.

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

*Randy White*  
Chairman Senate Committee

*R. Beem*  
Chairman House Committee

Originating in the House.

In effect ninety days from passage.

*Russell Ecklund*  
Clerk of the Senate

*Bruce W. Boy*  
Clerk of the House of Delegates

*Carl Ray Brubaker*  
President of the Senate

*Robert D. ...*  
Speaker of the House of Delegates

The within *is approved* this the *3rd*  
day of *April*, 2006.

*Paul J. Hancock*  
Governor

PRESENTED TO THE  
GOVERNOR

MAR 23 2006

Time 3:15 pm