

This is an amendment to 6.12.11 NMAC, Sections 8, 10, 12, and 13, effective October 10, 2023.

6.12.11.8 DIABETES CARE PERSONNEL TRAINING:

A. Each governing body shall ensure annual diabetes training programs are provided to all school nurses and diabetes care personnel. Training content for the annual diabetes training program, at a minimum, shall include:

- (1) identification and treatment of hyperglycemia and hypoglycemia;
- (2) appropriate actions to take when blood glucose levels are outside the target ranges indicated by a student's diabetes medical management plan;
- (3) understanding interpretation of health care practitioner instructions regarding diabetes medication drug dosage, frequency, and manner of administration;
- (4) performance of finger stick blood glucose testing, ~~[and]~~ scanning of continuous glucose monitors, ketone testing, and recording of results;
- (5) administration of glucagon and insulin and recording of results;
- (6) administration of glucagon and insulin through the insulin delivery system;
- (7) recognizing diabetes-related complications that require emergency assistance; and
- (8) recommended schedules for food intake, the effect of physical activity upon blood glucose levels, and appropriate actions to be implemented in the case of a schedule disruption.

B. Each governing body shall ensure a minimum of two school employees, at each school attended by a student with diabetes, receive the training outlined in this rule.

C. Each governing body shall not require that diabetes care personnel be health care practitioners.

D. If at any time fewer than two school employees are available to be trained at a school, the principal or other school administrator shall distribute to all staff a written notice stating that the school is seeking volunteers to serve as diabetes care personnel. This notice shall inform staff of the following:

- (1) the school is required to provide diabetes care to one or more students with diabetes and is seeking personnel willing to be trained to provide that care;
- (2) the tasks to be performed by diabetes care personnel;
- (3) participation is voluntary and no school, school district or governing body will take action against any staff member who does not volunteer to be designated;
- (4) training will be provided to employees who volunteer to provide care; and
- (5) the contact information of the person whom staff should contact in order to volunteer to be diabetes care personnel.

E. Annual diabetes training programs shall be provided by the school nurse if the school has a licensed school nurse or by a licensed health care practitioner with expertise in diabetes.

F. Each governing body shall also ensure annual training is provided to all school personnel with a primary responsibility for supervising a student with diabetes during some portion of the school day that includes bus drivers responsible for transporting a student with diabetes. Training for these individuals must include:

- (1) recognition of hyperglycemia;
- (2) recognition of hypoglycemia; and
- (3) actions to take in response to diabetes-related emergency situations.

[6.12.11.8 NMAC – N, 11/26/2019; A, 10/10/2023]

6.12.11.10 SCHOOL DIABETES CARE:

A. Each governing body shall ensure that all students diagnosed with diabetes receive appropriate and necessary diabetes care as specified in the student's diabetes medical management plan.

B. In accordance with ~~[a]~~ the request of a parent or guardian of a student with diabetes and the student's diabetes medical management plan, a school nurse, or in the absence of a school nurse, diabetes care personnel shall perform diabetes care functions that may include:

- (1) checking and recording the student's blood glucose or ketone levels and assisting the student with recording these levels;
- (2) responding to blood glucose levels that are outside of the student's target range;
- (3) administering glucagon and other emergency treatments as prescribed;
- (4) administering insulin or assisting a student in administering insulin;

- (5) providing oral diabetes medications as prescribed; and
- (6) following instructions regarding meals, snacks and physical activity.

C. A school nurse or at least one diabetes care personnel shall be at each school where a student with diabetes is attending and shall be available to provide care to each student with diabetes pursuant to this rule during regular school hours, all school-sponsored activities, trips, extended offsite school-sponsored excursions, extracurricular activities where a student with diabetes is a participant, and on buses where the bus driver has not been trained in diabetes care and a student with diabetes is a passenger.

[6.12.11.10 NMAC – N, 11/26/2019; A, 10/10/2023]

6.12.11.12 DIABETES SELF-MANAGEMENT:

A. Upon written request of a parent or guardian of a student with diabetes and authorization by the student’s diabetes medical management plan, and upon demonstrated proficiency, a student shall be permitted to:

- (1) perform self-management blood glucose monitoring to check blood glucose and ketones;
- (2) administer prescribed medication for the treatment of diabetes including the self-administration of insulin through the insulin delivery system that the student uses as determined in the student’s diabetes medical management plan;
- (3) treat hyperglycemia as determined in the student’s diabetes medical management plan;

and

- (4) treat hypoglycemia as determined in the student’s diabetes medical management plan.

B. A student with diabetes shall be permitted to self-manage in any area of the school or school grounds, and at any school-related activity.

C. A student with diabetes shall be permitted to possess on the student’s person at all times all necessary supplies and equipment to perform these monitoring and treatment functions.

D. If a student’s parent or guardian or the student requests, the student shall have access to a private area for performing diabetes care tasks.

E. Each governing body shall develop written policies or procedures to address safe storage of medical supplies and for the safe and appropriate storage of diabetes medication.

[6.12.11.12 NMAC – N, 11/26/2019; A, 10/10/2023]

6.12.11.13 ENFORCEMENT AND REPORTING:

A. A student with diabetes and the student’s parent or guardian may submit a written administrative complaint, via e-mail or via mail, to the secretary or secretary’s designee containing a statement of the facts on which the complaint is based specific to any school or governing body that fails to meet its obligations to train school personnel to provide diabetes care, or to permit self-management of diabetes per the Student Diabetes Management Act. The secretary or secretary’s designee may require additional documentation to be provided by the parent or guardian, school district or charter school before responding to the complaint. Such additional documentation, if requested, shall be due within 10 days of the request. The secretary or secretary’s designee, at the secretary’s discretion, may require a hearing to be conducted within 60 days of receipt of the complaint or additional documentation, whichever is later, and to include a representative of the school district or charter school, before the secretary or secretary’s designee. The secretary or the secretary’s designee shall provide a written response with a final decision within 30 days of receipt of the complaint or within 30 days of the hearing’s conclusion, whichever is later.

B. Governing bodies shall ~~submit~~ report the following data to the department ~~[by October 15, 2020, and] annually~~, no later than October 15 ~~[every year thereafter]~~, in a format required by the department for the preceding school year:

- (1) the number of students within the school district or state charter school with a diagnosis of diabetes;
 - ~~(2) the date(s) of the diabetes care training(s) provided to diabetes care personnel;~~
 - ~~(3) the name(s) of the licensed school nurse or licensed health care practitioner who provided the diabetes care training(s);~~
 - ~~(4) a copy of the agenda for the diabetes care training(s);~~
 - ~~(5) the name(s) and title(s) of each staff person identified as a diabetes care personnel;~~
 - ~~(6) the name(s) and title(s) of any other personnel who received the diabetes care training(s);~~
- and
- ~~(7) the school(s) in which each identified diabetes care personnel provides services.]~~
 - (2) the number of school sites attended by students with diabetes;

(3) the number of designated diabetes care personnel trained in diabetes management; and
(4) the number of additional staff members trained in diabetes management, not including assigned diabetes care personnel.

C. The department ~~[will]~~ shall post each district, ~~[and state]~~ state-chartered charter school, and locally chartered charter school report on the department's website annually by November 15. ~~[-2020, and by November 15 every year thereafter.]~~

[6.12.11.13 NMAC – N, 11/26/2019; A, 10/10/2023]