20-5-412 Definition -- parent-designated adult -- administration of glucagon -- training.

(1) As used in 20-5-413 and this section, "parent-designated adult" means a school district employee, selected by a parent or guardian of a diabetic student, who voluntarily agrees to administer glucagon to the student.

(2) A parent or guardian of a diabetic student may designate an adult to administer glucagon to the student as provided in subsection (3). Written proof of the designation by a parent or guardian and acceptance of the designation by the parent-designated adult must be filed with the school district.

(3) A parent-designated adult may administer glucagon to a diabetic student in an emergency situation. The glucagon must be provided by the parent or guardian of the student.

(4) A parent-designated adult must be trained in recognizing hypoglycemia and the proper method of administering glucagon. Training must be provided by a health care professional, as defined in 33-36-103, or a recognized expert in diabetic care selected by the parent or guardian. Written documentation of the training received by the parent-designated adult must be filed with the school district.

HISTORY:
En. Sec. 1, Ch. 421, L. 2003.

NOTES:
Chapter Cross-References
Penalty for abuse of students, 20-4-302.
Fees for school supplies, 20-9-214.
Extracurricular fund for pupil functions, 20-9-504.
Confidential communications by students, 26-1-809.
Use of force by parent, guardian, or teacher, 45-3-107.

Part Cross-References
Duty of trustees to retain physician and nurse and to visit schools to examine conditions, 20-3-324.
Contributions by school boards to health boards authorized, 50-2-113.

Title Compiler's Comments

_Preamble:_ The preamble attached to Ch. 548, L. 2003, provided: "WHEREAS, public schools are the foundation of Montana, providing citizens with the tools they need to strengthen our state's way of life and extending the principles of liberty; and

WHEREAS, approximately 16,000 full-time and part-time public school teachers guide over 149,000 students in the state of Montana; and

WHEREAS, as prescribed by Article X, section 1, of the Montana Constitution, a fundamental goal of the State of Montana is to establish a system of quality education that will develop the full educational potential of each person; and

WHEREAS, it is consistently proven on national assessments that Montana's excellent educators instruct superior students, and this fine system should be strengthened; and

WHEREAS, the Board of Public Education, of which the Superintendent of Public Instruction and the Governor are members, is constitutionally charged with general supervision over the public school system and other public educational institutions as may be assigned by law; and

WHEREAS, the first step in developing a competitive economy is a quality education system producing a qualified workforce; and

WHEREAS, due to repeated adjustments, revisions, and court decisions, the statutes governing the education system in Montana are plagued by inconsistent language, conflicting provisions, confusing funding mechanisms, and overlapping organizational structures that make it difficult for educators, parents, the legal community, and the general public to understand; and

WHEREAS, in order for the State of Montana to provide for an effective and efficient system of free quality public elementary and secondary education, a comprehensive renewal of education in Montana would be in the best interests of all of the state; and

WHEREAS, the Governor of Montana, the Board of Public Education, the Superintendent of Public Instruction, and the Montana Legislature should convene a commission to examine the various options available for the renewal of public education in Montana."

**K-12 Public School Renewal Commission:** Section 1, Ch. 548, L. 2003, provided: "(1) There is a K-12 public school renewal commission established to propose changes and new provisions regarding the several components of K-12 public education in Montana, including but not limited to:

(a) the revenue available for public education;
(b) the structure of school district governance;
(c) the methods of funding public education;
(d) the role of the state government in public education; and
(e) the role of the federal government in public education.

(2) Core membership of the renewal commission must include the governor, the presiding officer of the board of public education, the superintendent of public instruction, the speaker of the house of representatives, the president of the senate, the minority leader of the house of representatives, and the minority leader of the senate. Core members may select a designee to represent the core member on the renewal commission.

(3) The governor, in consultation with the core membership, shall:

(a) identify no less than 10 and no more than 25 entities who shall designate a representative to serve on the renewal commission;
(b) appoint a representative from the juvenile corrections division of the department of corrections to serve on the renewal commission;
(c) request assistance from other legislative and executive branch agencies; and

(d) in addition to any legislative appropriation, accept donations for the purposes of carrying out the duties of the renewal commission required in this section.

(4) The members of the renewal commission appointed pursuant to subsection (3)(a) may be reimbursed for expenses.

(5) (a) The renewal commission shall submit a final report of its findings and recommendations to the education and local government interim committee by September 15, 2004.

(b) The renewal commission may recommend legislation to the 59th legislature based on the commission's findings.

(6) As used in this section, the term "K-12 public education" includes a state youth correctional facility, as defined in 41-5-103."

Compiler's Comments

Effective Date:  This section is effective October 1, 2003.

Chapter Case Notes

High School Sports Programs -- Discrimination Against Female Participants:  In a matter alleging gender-based inequality in high school athletics, it was not erroneous for the federal District Court to fashion the use of a creative settlement course by using a "facilitator". The settlement agreement was adopted by order, with the District Court retaining jurisdiction to monitor progress. The continued jurisdiction was proper, and even though the question of whether the court could consider the change in women's volleyball seasons was not properly before the District Court in the action preceding this appeal, the District Court has jurisdiction under the order and terms of the settlement agreement to exercise its continuing jurisdiction to consider the matter at some future date. Ridgeway v. Mont. High School Ass'n, 858 F2d 579, (9th Cir. 1988). After reviewing the final report of the Special Master and the parties' progress reports, the District Court ruled that a change in high school girls' volleyball and basketball seasons was not necessary to achieve and maintain gender equity. 749 F. Supp. 1544 (D.C. Mont. 1990).

NOTES:

Chapter Law Review Articles


Chapter Collateral References

Validity, construction, and application of "hazing" statutes. 30 ALR 5th 683.

Tort liability of college, university, fraternity, or sorority for injury or death of member or prospective member by hazing or initiation activity. 68 ALR 4th 228.

Liability of university, college, or other school for failure to protect student from crime. 1 ALR 4th 1099.