

From the Disability Rights Education & Defense Fund and American Diabetes Association...

OUTREACH TO CALIFORNIA FAMILIES OF CHILDREN WITH DIABETES ABOUT THE LEGAL SETTLEMENT INVOLVING DIABETES CARE IN SCHOOLS

With the start of a new school year fast approaching, the fight continues to ensure that children with diabetes in California get the care they need while at school. Given the state's serious fiscal crisis and its effect on local school budgets, we expect that some school districts may be more reluctant this year to agree to provide needed diabetes care. We want to let parents, health care professionals, and advocates know the status of school diabetes litigation in California and how to secure the care that children require.

In August 2007 the California Department of Education (CDE) issued a Legal Advisory to all California public schools to inform them of the legal rights of students with diabetes, including related aids and health services, based on federal and state laws. Several nursing groups have sued the CDE for telling schools through the Legal Advisory that it is permissible for trained non-licensed school personnel to administer insulin where a nurse is not available in order to comply with federal law. These nursing groups claim that only nurses can administer insulin to children at school who cannot self-administer. The lawsuit between the nursing unions and the CDE has not been resolved, and the court has not ruled that the Legal Advisory is invalid. The CDE stands by its 2007 settlement and the Legal Advisory (including its statements about insulin administration). **Students with diabetes still have the right to receive insulin at school per the Legal Advisory.**

If you are a parent of a child with diabetes, you should take several important steps now, before school begins, to ensure that the 2008-09 school year goes smoothly:

1. Get updated medical orders from your child's physician for the upcoming school year, listing specifically the care your child will need during school.
2. Inform the school of the need to meet with the school nurse and other key school personnel before school begins to discuss how your doctor's care plan will be implemented.

The following resources are available from <http://www.dredf.org/healthcare/diabetes.shtml>

- ✓ **A model Sample 504 and Diabetes Medical Management Plans**
- ✓ **"Services for Students with Diabetes in Public Schools: Questions and Answers for California Parents and Guardians"**
- ✓ **CDE Legal Advisory**

If, after obtaining updated medical orders and working with your school, you are still unable to secure needed diabetes care services at school or during school-sponsored activities, the Disability Rights Education and Defense Fund needs to know about your experience. Even if you are successful in getting your child the care he or she needs, DREDF still needs to hear from you so that we can help other parents resolve similar issues.

To contact DREDF, follow these instructions :

1. Send an email to clanvers@dredf.org
2. In the subject line write, "Problem in a CA Public School"
3. In your email include the following information:
 - Your Name and Phone Number
 - Child's Date of Birth
 - Child's Method of Insulin Administration
 - School Name
 - School District Name and City
 - Medical Needs Not Being Met
 - Other Needs Not Being Met (e.g. field trips, medically-related absences, etc.)
 - Whether School has a Nurse Only Policy for Insulin or Glucagon
 - Frequency of Difficulty to Obtain Medical Services
 - Indicate if Child has a 504 Plan, IEP, or Other Arrangement (explain)

If you are a health care professional, please forward this to your patient families.

Thank you for your continued help in keeping California students with diabetes safe at school.

Sincerely,

Larisa Cummings, Staff Attorney, Disability Rights Education and Defense Fund
Brian Dimmick, Associate Director, Staff Attorney / Government Affairs and Advocacy, American Diabetes Association