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DISABILITY RIGHTS EDUCATION & DEFENSE FUND

AUGUST 2007

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

Thank you for your interest in the recent settlement of the lawsuit filed by Disability Rights Education and Defense Fund (DREDF) and the law firm of Reed Smith LLP on behalf of the American Diabetes Association and four children with diabetes to improve care in California public schools. We are very pleased with this settlement and feel confident it will help you in your efforts to secure needed health care for your child at school.

We brought this lawsuit in October 2005 because many California school districts were not providing adequate diabetes care to students, despite their legal obligation to do so. As part of the settlement, CDE has sent a **“Legal Advisory on Rights of Students with Diabetes in California’s K-12 Public Schools”** to all California school districts that explains how districts must address the health care needs of students with diabetes at school and during school-sponsored activities.

A copy of the Legal Advisory is attached, along with a questions and answers document that explains more about your child’s rights (with less legal jargon than the Advisory itself). Some of the key rights discussed in the Legal Advisory are:

- Your school must evaluate your child for eligibility under federal law — Section 504 of the Rehabilitation Act and/or the Individuals with Disabilities Education Act (IDEA) — if you request an evaluation, and must provide appropriate services if your child is found eligible;
- Your child has the right to receive needed diabetes health care (including such things as insulin and glucagon administration and blood glucose monitoring) from a school nurse

or other appropriately trained school personnel when the child cannot do these things him/herself;

- Your school cannot refuse to provide medically necessary services for any of the following reasons: because trained personnel are not available, because of a policy restricting the type of care to be provided or the location where it will be provided, or because of the burden of providing the care;
- Your child cannot be sent to a different school because the district refuses to provide care at the school he/she would normally attend.

It is important to be proactive rather than waiting for a problem to occur and there are several important steps you should take to best ensure that your child receives the care he/she needs. These include:

1. Obtaining medical orders from your child’s physician, and then
2. Meeting with the school nurse and other key school personnel before school begins to discuss how your doctor’s care plan will be implemented.

The attached questions and answers document, **“Services for Students with Diabetes in Public Schools: Questions and Answers for California Parents and Guardians”** contains more information about these important steps.

(please read on)

Also included are two model documents:

- **Diabetes Medical Management Plan (DMMP)**
Your treating physician can use this form to specify your child's treatment regimen.
- **Section 504 Plan**
You can use this sample plan as you work with your school to determine how needed services will be provided.

In addition, a great deal of additional information about your child's rights at school is available from:

American Diabetes Association
www.diabetes.org/schooldiscrimination

3. If, after obtaining updated medical orders and working with your school, you are 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.

Please access this important web link:

<http://www.dredf.org/diabetes/CADiabetesFamiliesJuly07.pdf>

This will open the document: **"An Important Message for California Families of Children with Diabetes. . ."**

4. Follow the instructions contained in that document.

ADA and DREDF are collaborating closely to respond to parent inquiries and concerns and to make sure that the settlement is fully implemented. A staff member or volunteer from DREDF or the American Diabetes Association will contact you to discuss your situation further. We would also like to hear from you if you are able to resolve your situation successfully and get appropriate care for your child.

One last very important note: ADA and DREDF are monitoring the settlement of the lawsuit and need to hear from you about both your successes and your problems to ensure that all students with diabetes in California get the care they need at school.

The document, **"An Important Message for California Families of Children with Diabetes. . ."** will tell you how to report both your successes and your problems to DREDF. Thank you.

Sincerely,

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