

- An Important Message from DREDF and the American Diabetes Association -

**To California Families of Children with Diabetes....
UPDATE ON THE LEGAL ISSUES INVOLVING DIABETES CARE IN K-12 SCHOOLS**

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 an increasing number of school districts may be more reluctant/claim inability 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 K-12 public schools to remind them of their obligations to uphold the legal rights of students with diabetes, including provision of related aids and health services, based on federal and state laws. One portion of the Legal Advisory states that unlicensed school personnel are allowed to administer insulin to students when a nurse is not available. Several nursing groups sued to overturn this portion of the Legal Advisory. In November 2008 a trial court judge ruled in their favor. Left unchallenged, the court ruling would have required CDE to change the Legal Advisory to remove any references to unlicensed personnel administering insulin. Following the court ruling, ADA and CDE filed an appeal of the court ruling, which has not yet been decided.

In April 2009, a California Court of Appeals ruled that the lower court's ruling is "stayed" during the appeal. While this is not a decision on the merits of the case, it does mean that the lower court's ruling has no effect until the appeal is decided. Therefore, **the entire original Legal Advisory remains in effect, and California school districts are permitted to train unlicensed personnel to administer insulin** as detailed in the Legal Advisory.

If you are a parent/caregiver of a child with diabetes, you should take several important steps now, before school begins, to ensure that the 2009-10 school year goes smoothly:

1. Obtain updated medical orders from your child's physician for the upcoming school year. The medical orders should explicitly state the child's care needs including but not limited to: timeframe(s) and dosing for medication (including insulin for carb consumption and treatment of elevated glucose levels, and glucagon for treatment of low blood glucose levels), timeframe(s) to perform glucose checks and ketone checks, etc.
2. Inform the school in writing several weeks prior to the start of school that you need to meet with the school nurse and other key school personnel *before* school begins to discuss the specifics of how your child's medical orders will be implemented. Emphasize this meeting is crucial to your child's safety.

The following resources are available online at: www.dredf.org/diabetes

- **A model Sample 504 Plan and Sample Diabetes Medical Management Plan**
- **"Services for Students with Diabetes in Public Schools: Questions and Answers for California Parents and Guardians"**
- **A copy of the 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, DREDF needs to hear from you and will also guide you on how to advocate for your child. Even if you are successful in getting your child the care he or she needs, DREDF still wants 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 lcummings@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 (injection, pump)
 - 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)

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