Taking Diabetes To School: The Law, Rights & Your Child

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Knowledge is **power**.

You only know what you know, and you don’t know what you don’t know.
Know the goals.

- access to medically safe environment and achieve medical goals

- equal access to educational opportunities and school-sponsored activities (field trips, extracurriculars, etc.)

- seamless transition from home life to school life
Know Best Practices

• Blood glucose monitoring anywhere, anytime
• Self-management allowed anywhere, anytime
• Immediate access to trained school personnel:
  - Symptoms/treatment of hypoglycemia and hyperglycemia
  - Insulin/glucagon administration
  - Carb counting
• Back up plans
• Full participation in all school activities
• Integrating diabetes care into the school day
Child-Centric Safety Net of Support
Know the federal laws.

- **Section 504 of the Rehabilitation Act (Section 504)**
  ...all public and private schools receiving government $’s
  ...disability impacts major life activity
  ...504 Plan

- **Americans with Disabilities Act (ADA)**
  ...applies to schools plus daycare, camp programs (non-religious)

- **Individuals with Disabilities Education Act (IDEA)**
  ...disability impacts ability to learn and progress academically
  ...IEP Plan
Know legal rights.

...a free, appropriate public education

...equal to non-disabled peers

...with reasonable accommodations

...including related aids and healthcare services

...all of which is to be delivered in the least restrictive manner.
Know legal rights.

To request assessment under 504 and/or IDEA.

To participate meaningfully in plan development and to bring anyone to support you at the meeting.

To develop a plan that meets all your child’s needs, including admin of meds.

To develop plan of any length explaining accommodations.

To request a meeting at any time.
Know legal rights.

Blanket policy is prohibited.

Each child’s needs are to be met on an *individualized* basis.

Financial burden is not a valid defense for failure to comply.

Parents may not be required to provide diabetes care.

To not sign the plan if in disagreement; also can include message of items still outstanding.

To be notified of any plan changes.
Know California state laws.

CA Ed Code 49423:
- A licensed healthcare professional or other school personnel may administer medication. “In fact, California law expressly permits trained, unlicensed school personnel to administer prescription medications such as insulin in accordance with the written statements of a student’s treating physician and parents.”
  -- California Supreme Court, August 12, 2013

CA Ed Code 49414.5:
- School personnel may volunteer to be trained to administer glucagon
- Self-check blood glucose in any location, any time
- Perform self-care in any location, any time
Know the documents to have in place.

• Treating Physician’s Orders/
  Diabetes Medical Management Plan (Parents & Doctor)

• Individualized Healthcare Plan (Parents & School Nurse)
  …daily medical care instructions

• 504 Plan or IEP Plan (Parents & 504 /IEP Team)
  …how the school will accommodate the ways the disability impacts the student

• One Page Quick Reference (Parents & School Nurse)
Know the resources.

• JDRF School Advisory Toolkit...basics on federal laws, 504 process
  www.jdrf.org

• DREDF (Disability Rights Education & Defense Fund)...Sample 504, Sample DMMP, Important California info
  www.dredf.org/diabetes

• American Diabetes Association...Sample 504 Plan, Sample DMMP, Training Modules for School Staff, legal assistance
  www.diabetes.org or call 1-800-DIABETES