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## Legal settlement entitles diabetic kids to care at school

Trained staff must be offered to help with insulin tests, shots

By Bob Egelko

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Laura Wolfe went to pick up her diabetic 5-year-old daughter, Elizabeth, from school earlier than usual on a hot September afternoon in San Bernardino County in 2005 and found the child lying on the ground, nearly unconscious.

After testing her blood-sugar level and finding it was nearly 600 — more than three times the danger level set by her doctor — Wolfe administered insulin and took her daughter home. She said she learned that Elizabeth had complained of feeling unwell and asked to be tested, but that her teacher, following the school's standard advice, instead assumed

her blood sugar was low and gave her some marshmallows before sending her to the playground.

"They required the children to take their own blood sugars and give themselves insulin," said Wolfe, herself a diabetic who had quit her job, dropped out of nursing school and moved from Virginia to California in hopes of improving her daughter's care.

She withdrew Elizabeth from school in the town of Upland the day after the incident and, along with parents in other communities, took the first steps in a case that ended in a landmark settlement Wednesday.

Under the agreement between advocates for diabetics and the state Department of Education, thousands of diabetic California schoolchildren will be entitled to care from a nurse or a trained school staffer, who will conduct blood-sugar tests if the child is unable to do so and administer insulin or other needed medication.

The department "is committed to ensuring that all children with diabetes in California schools have access to legally required care during the school day," state Superintendent Jack O'Connell said at an Oakland news conference announcing the settlement.

According to statistics distributed by the plaintiffs' lawyers, more than 15,000 school-age children in California suffer from Type I diabetes, which is the most common form of the disease in youths and often requires regular insulin injections. Lawyers also said that California public schools have more than 6.3 million students and 2,800 full-time nurses — a ratio of 1 nurse for every 2,257 students, the 43rd lowest in the nation.

As a consequence, said attorney Arlene Mayerson of the Disability Rights Education and Defense Fund in Oakland, schools typically disclaim any responsibility for testing and treating diabetic stu-

dents and tell parents it's up to them. She said many parents have told the organization that they've had to limit or quit their jobs so they could be available if their child needed an insulin shot at school.

"We've talked to hundreds of parents who are absolutely frantic at the idea of sending their kids to school and not knowing if they're safe," Mayerson said.

Wolfe, the Upland mother, said the school district's only nurse told her at the start of the term that if her daughter wasn't feeling well, the school would give her a snack and telephone her mother.

Mayerson also said some schools haven't allowed students to prick their fingers and test their blood sugar. One client, a student, was "expelled from school for carrying a (testing) kit," she said.

The settlement requires schools to allow self-testing by students who are able to manage it. It also requires schools to train em-

ployees to test and treat diabetic students if licensed nurses are unavailable.

The lawsuit, filed in federal court, accused the state of violating federal laws that entitle disabled children to an equal education. The lead plaintiff was the American Diabetes Association.

Wolfe was one of several parents whose complaints led to the court proceedings. With the settlement, preceded by a similar agreement from her school district, she said she'll return Elizabeth to school part time this fall, after two years of homeschooling and private school.

"I'm hoping there will be more of a team effort between schools and parents, not just diabetics but kids with hemophilia and asthma, other life-threatening conditions," Wolfe said. "This gives me back my life as well."

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