

California schools required to give medical help to kids with diabetes

Federal law extends to insulin injections

By Anita Manning
USA TODAY

Schools in California will be required to have someone available who is trained to assist diabetic children under a legal settlement announced Wednesday in Oakland.

The agreement sets a policy requiring children who have diabetes to be provided services under federal laws that guarantee equal educational opportunities for children with disabilities.

"The importance of this settlement is it's applying those laws to children with diabetes," says Arlene Mayerson, an attorney with the Disability Rights Education and Defense Fund, which represented four families in the lawsuit filed in 2004. "This will be a model for states across the country."

The Centers for Disease Control and Prevention says one in 523

people under 20 have diabetes.

A few states, including Indiana, Oklahoma and Texas, already have legislation that allows schools' non-medical staff members to be trained to administer insulin and help children monitor blood-sugar levels.

"But it's not uniform across all states," says Ann Albright, president of health care and education for the American Diabetes Association, a party to the lawsuit against the California Department of Education and two school districts that had no full-time school nurses. In the absence of a nurse, schools require parents to give insulin or other medical services if the child is unable to do it, Albright says.

School districts and nurses have "insisted that only nurses can provide insulin to children with diabetes," says Jim Wood, a partner with law firm Reed Smith, which worked with the defense fund on a pro bono basis.

California has 2,800 full-time nurses in 9,000 schools, a ratio of

one nurse per 2,257 students, Wood says. Federal guidelines call for one nurse per 750 students.

"We get hundreds of calls from parents frantic because they have to send kids with diabetes to school, not having any security they're going to be served there," Mayerson says. "That has resulted in parents quitting jobs, selling homes."

Laura Wolfe of Upland, Calif., pulled her daughter Elizabeth out of public schools three years ago when she found her 5-year-old unconscious on the playground in a state of extremely high blood sugar. "She could have gone into a coma," she says. "The district nurse would not allow any non-medical staff to participate in medical care. The protocol was call Mom or call 911."

The new policy also says schools can't bar children from performing blood sugar testing or require children with diabetes to attend a particular school. "In essence, they can't be treated any differently" from other students, Wood says.