KEEPING KIDS WITH DIABETES SAFE AT SCHOOL

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American Diabetes Association
Back-to-School Webinar
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KEEPING KIDS WITH DIABETES SAFE AT SCHOOL

Disclaimer:
While the American Diabetes Association attempts to ensure that all legal information is accurate and current, this general legal information is not a substitute for individualized legal advice, particularly in relation to information related to state or local laws or regulations. The law may change or have additional exceptions or interpretations. The American Diabetes Association, its attorneys and Legal Advocates do not represent you. For detailed legal advice or representation, contact a locally licensed attorney.
WHO - POLL
OUR MISSION

TO PREVENT AND CURE DIABETES AND IMPROVE THE LIVES OF ALL PEOPLE AFFECTED BY DIABETES

We deliver mission through:

• Research
• Information & Support
• Advocacy & Public Awareness
BACK-TO-SCHOOL CHECKLIST

1. Know what your child needs to be safe and successful at school
2. Understand relevant federal and state laws and written plans
3. Meet with your child’s provider to develop your child’s DMMP
4. Meet with school nurse to review the DMMP and provide supplies
5. Establish communication with the school nurse, principal, your child’s teacher(s) and other school staff
6. Develop or update your child’s 504 plan or IEP and troubleshoot as needed throughout the school year
7. Be a diabetes resource for the school nurse, principal, teachers and other school staff members
8. Visit diabetes.org/safeschool or call 1-800-DIABETES for information and strategies for self-advocacy
Checklist # 1

☑️ Know what your child needs to be safe and successful at school
GOALS FOR SAFETY AND FAIRNESS FOR YOUR CHILD

• Schools must provide a medically safe environment for students with diabetes.

• Students with diabetes must have the same access to educational opportunities and school-related activities as their peers.

• Schools must work with parent and student to support transition to independence.
WE KNOW THAT......

• Diabetes care is 24/7
• Child with diabetes cannot take a break
• Smooth transition from home to school is essential
• Child must have access to equipment, medication, and assistance is essential
• Written care plans are essential, as provided for by federal and state laws
WHAT DOES YOUR CHILD NEED AT SCHOOL TO MANAGE HIS OR HER DIABETES?

• Access to school nurse and trained school staff
• Trained staff to recognition and treat high’s and lows
• Timely diabetes care provided with needed assistance
• Self-management permitted for capable students
• Full and safe participation in all school-sponsored activities
• Access to accurate carbohydrate and nutrition information
• Access to supplies, equipment, medication, and food
ADA supports goal of full time nurses.

However:

• Some schools do **not** have a full-time school nurse.

• Even a full-time school nurse is not at all places at all times.

• The needs of students with diabetes must be met.

• ADA supports a safe model that utilizes trained school personnel in the absence of a school nurse.
SAFE AT SCHOOL CAMPAIGN

All school staff members need to have a basic knowledge of diabetes and know who to contact for help.

The school nurse is primary provider of diabetes care, but other school personnel must be trained to perform diabetes care tasks when the school nurse is not present.

Students should be permitted to provide self-care whenever they are at school or school-related activities.

American Diabetes Association.
SAFE AT SCHOOL PRINCIPLES ENDORSED BY:

American Academy of Pediatrics
American Association of Clinical Endocrinologists
American Association of Diabetes Educators
American Diabetes Association
Academy of Nutrition and Dietetics
Children With Diabetes
Disability Rights Education and Defense Fund
Juvenile Diabetes Research Foundation
Pediatric Endocrine Society
Pediatric Endocrinology Nursing Society
Endocrine Society
Checklist # 2

✔ Understand relevant federal and state laws and written plans
FEDERAL AND STATE LAWS TO THE RESCUE

These laws can help level the playing field and ensure a safe and fair school environment for our children.

Federal laws

- Americans with Disabilities Act (ADA)
- Section 504 of the Rehabilitation Act of 1973 (Section 504)
- Individuals with Disabilities in Education Act (IDEA)

State laws, regulations and guidelines
ADA AND 504 - CIVIL RIGHTS LAWS

Prohibit discrimination on the basis of disability.

Also prohibit retaliation for asserting the right not to be discriminated against.

NOT limited to disabilities that affect learning/academic progress.
DEFINITION OF DISABILITY

To be protected by ADA/504, a student must have a disability, defined as:

- a physical or mental impairment that substantially limits one or more of major life activities
- a record of such an impairment, or
- being regarded as having such an impairment.

This includes children with diabetes!
MAJOR LIFE ACTIVITIES (ADA & 504)

Examples

- Endocrine function
- Caring for one’s self
- Performing manual tasks
- Eating
- Walking
- Breathing
- Learning
- Working
- Speaking

NEED NOT BE LEARNING!
Limits to Endocrine Function Are Enough to Determine 504 Eligibility

A diagnosis of diabetes is, by definition, a substantial limitation on endocrine function

Students with diabetes:
- do not need to exhibit any additional substantial limitations in major life activities.
- specifically, do not need to be limited in learning ability or educational progress.
AMERICANS WITH DISABILITIES ACT (ADA)

Obligated schools:

- Public (including charter), private, schools and day care centers

Not obligated:

- Religious institutions

Requirements – Schools MUST make reasonable changes in practices and policies to:

- Avoid discrimination
- Afford equal opportunity, unless doing so imposes an undue burden.
SECTION 504

Covered schools:

- All public schools (including charter schools)
- Private schools (including religious affiliated) that receive federal financial assistance.
UNDER 504/ADA SCHOOLS MUST:

- Identify children with disabilities
- Provide a “free appropriate public education” (FAPE) to each child with a disability
- Educate children with disabilities with other students as much as possible;
- Allow parents to participate meaningfully in decisions regarding their child’s diabetes care at school
- Afford children with disabilities an equal opportunity to participate in nonacademic and extracurricular services and activities.
**MITIGATING MEASURES**

ADA/504 covers students with diabetes even if they are successful in the medical management of their disease.

Schools cannot exclude students from eligibility because they use insulin or medication to manage their disease.

The law recognizes that "mitigating measures" like insulin or medication administration do not "fix" the disability.
**Religious Operated Schools**

- Must comply with Section 504 if federal funds are received.

- Case law supports obligation to provide services under Section 504 if federal funds are received.

- Federal funds typically received are: Title 1, IDEA, E-rate, voucher programs, USDA school lunch programs.

- May develop 504 Plans/IEPs for students.
A child with diabetes is protected if he or she needs special education and related services in order to benefit from an education.

Diabetes is classified as an Other Health Impairment (OHI), and must adversely interfere with academic performance.

Team that includes parents, special education experts, and school staff develop Individualized Education Program (IEP) which outlines plan to achieve specific educational goals.

School must provide special education program and related services. Children must be educated in the least restrictive environment.
May be eligible for Special Education under IDEA if diabetes causes:

- Frequent swings in blood glucose adversely impact learning
- Frequent hospitalizations, absences, or diabetes complications adversely impacting learning

May be eligible if another disability – other than diabetes - limits learning/academic progress

Students who qualify under IDEA are also covered by ADA/504, but do not need a separate 504 plan
# Review: Comparing the Laws

| **Section 504:** | • Public and private school receiving federal funds.  
• Major life activity substantially limited does not need to be learning. |
|------------------|-------------------------------------------------------------------------------------------------|
| **ADA:**         | • Same as 504, except covers daycares and camps.  
• Does not cover religious affiliated schools. |
| **IDEA:**        | • Special education law.  
• Must demonstrate that diabetes or another disability adversely impacts ability to learn and to progress academically. |
Jessica, a high school sophomore, was diagnosed with type 1 diabetes over the summer break.
  • Straight “A” student
  • Self-manages her diabetes

Parents contacted the school principal to ask for a 504 team meeting.

The principal tells Jessica’s parents:
  • J. doesn’t need a 504 plan because she has excellent grades.
  • Explains that in order to qualify for 504 services, a student must be suffering academically.

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Is the school principal correct in refusing to convene the 504 team on this basis?

- Yes.
  If Jessica gets good grades then she doesn’t qualify for a 504 plan because learning is must be adversely impacted to get a plan. Charter schools do not have to abide by federal anti-discrimination laws because they are not public schools.

- No.
  Learning need not be “substantially limited” in order to be protected by Section 504.
STATE LAWS AND REGULATIONS

• State and local laws and regulations (i.e. Board of Nursing regulations) vary regarding who may perform various aspects of diabetes care.

• Often there is no statewide policy. Rather, policy is determined district by district.

• Some states have developed guidelines.

• Regardless of state and local laws, requirements of federal laws must be met.

• Some states have passed school diabetes care legislation or changed Board of Nursing regulations.
SCHOOL DIABETES CARE LAWS

Board of Nursing Regulations: Nevada, Colorado, Utah, Alaska, North Dakota

Alabama
Arizona
Arkansas
California
Connecticut
District of Columbia
Florida
Georgia
Hawaii
Illinois
Indiana
Kentucky
Louisiana
Maryland
Massachusetts
Missouri
Montana
Nebraska
New Hampshire
New Jersey
New York
Nevada
North Carolina
Ohio
Oklahoma
Oregon
Pennsylvania
Rhode Island
South Carolina
Tennessee
Texas
Utah
Virginia
Washington
West Virginia
Wisconsin
Checklist # 3

☑️ Meet with your child’s provider to develop your child’s DMMP
DIABETES MEDICAL MANAGEMENT PLAN/HEALTH CARE PROVIDER ORDERS

Document signed by student’s personal health care professional that sets out how student’s diabetes needs will be met at school.

Serves as the foundation for the 504 plan or IEP.

NDEP template online; also sent with today’s reminder.
DIABETES MEDICAL MANAGEMENT PLAN PROVISIONS

- Emergency contact information
- Level of self-care
- Blood glucose monitoring
- Insulin administration
- Glucagon administration
- Meal and snack schedule
- Exercise and sports
- Recognition and treatment of hypoglycemia and hyperglycemia
Checklist # 4 & 5

✓ Meet with school nurse to review the DMMP and provide supplies

✓ Establish communication with the school nurse, principal, your child’s teacher(s) and other school staff as needed
BACK-TO-SCHOOL STRATEGIES

• Approach in spirit of cooperation and work with the school team.
• Be realistic and reasonable!
• Communication is paramount.
• Provide supplies, snacks, quick-acting form of glucose.
• Provide updated contact information.
• Encourage your child to wear a medical ID jewelry.
INDIVIDUALIZED HEALTH CARE PLAN (IHP)

Developed by the school nurse in collaboration with hcp and parent/guardian; School nurse’s “roadmap”

Based on the DMMP

Incorporates an assessment of the school environment and the student

Outlines the diabetes management strategies and personnel needed

NDEP IHP template online; also sent with today’s reminder.
Is an IHP or DMMP Enough?

- IHP and DMMP are not substitutes for a 504 Plan or IEP
- 504 Plan and IEP incorporate and implement the IHP and DMMP
- 504 plan is not just a plan – but incorporates a process and documents how the student’s needs will be met
- If a problem arises, the school is better positioned if it has followed the plan
Challenge - POLL

“Who has been trained to give insulin at your child’s school or daycare?” (check all that apply)

School nurse
Child self-manages
Parent or other family member comes to school
Trained teacher, administrator or school secretary
No one available to give my child insulin
My child does not receive insulin at school
Other
Checklist # 6

- Develop or update your child’s 504 plan or IEP and troubleshoot as needed throughout the school year
**Navigating the 504/IEP Process**

Parent/guardian should contact school’s 504/IEP coordinator – many times this is the school principal or guidance counselor

School may initiate if suspects a need for special education or related services

An evaluation for eligibility under 504 or IDEA will be conducted by school staff knowledgeable about your child

Once an eligibility determination has been made, the 504/IEP team will convene to develop a written plan
SECTION 504 – ELIGIBILITY QUESTIONS

Ideally, school districts:

- Appropriately interpret and determine 504 eligibility.
- Accommodate students with a broad range of disabilities, including diabetes.
- Understand that students do not need to exhibit academic difficulties to be 504 eligible.
ESTABLISHING ELIGIBILITY

Must Do More than Simply State Child has Diabetes:

Note from clinician:

Stating that child has a disability because s/he is substantially limited in endocrine function

Also explain other major life activities that are limited when the child is experiencing hypo- or hyperglycemia
**WHAT IS A SECTION 504 PLAN?**

A written document - where the parents and school agree on the services & modifications that the student needs.

- Each child with diabetes has individual needs.
- **Must** be individually developed.
- Template online; also sent with today’s reminder.
504/IEP Plan: Possible Contents

- Recognition and prompt treatment of hypoglycemia and hyperglycemia:
  - by trained school personnel
  - during school day, field trips, and extracurricular activities.

- Immediate access to diabetes supplies and equipment.

- Unrestricted access to snacks, water and bathroom.

- Classroom blood glucose monitoring.
504/IEP Plan: Possible Contents

- Adherence to care schedule (routine blood glucose testing, insulin administration, meals and snacks eaten on time).
- Reasonable time/instruction to make up assignments and tests missed due to diabetes.
- No penalties for absences due to diabetes (illness/doctor’s appointments).
- Identify trained school personnel.
WHAT DOES DISCRIMINATION AGAINST A STUDENT WITH DIABETES LOOK LIKE?

• Failure to have trained staff to assist student with diabetes.
• School’s refusal to administer insulin.
• School’s refusal to administer glucagon.
• School’s refusal to respond to CGM alarms.
• No coverage during field trips and extracurricular activities.
• School’s refusal to permit blood glucose checks outside of the health clinic or office.
• Sending child to “diabetes school.”
• School’s refusal to allow a student to attend the school at all.
Test Your 504 Plan Knowledge

• Johnny, age 6, was diagnosed with T1D two weeks ago and is returning to school next week
  – On a Humalog/Lantus regimen
  – Parents both commute 1 hour to work
  – A finicky eater

• What provisions should be included in Johnny’s 504 Plan?
JOHNNY’S 504 PLAN NEEDS MIGHT INCLUDE:

• Provisions for diabetes care when school nurse is not on site during the school day (Who else will be trained?)
• Where care will be provided
• Plan carbohydrate calculation and nutrition information
• Identification of back-up trained personnel to provide care during field trips and school-sponsored extracurricular events
• Exam taking at another time if bgs are out of target range
• All of the above
Checklist #7

Be a diabetes resource for the school nurse, principal, teachers and other school staff members
SAFE AT SCHOOL ONLINE RESOURCES

Shopdiabetes.org (under “Advocacy”)
1-800-DIABETES (1-800-342-2383) for assistance
RESOURCE: POST-SECONDARY EDUCATION

diabetes.org/assets/pdfs/schools/going-to-college-with-diabetes.pdf
SAFE AT SCHOOL CHILD CARE RESOURCES:
www.diabetes.org/childcare
HELPING THE STUDENT WITH DIABETES SUCCEED: A GUIDE FOR SCHOOL PERSONNEL

A free online resource from the National Diabetes Education Program

- Developed by diabetes, pediatric, and education experts
- Supported by more than 12 other diabetes, pediatric medicine, school health, and education organizations.
- Helps school staff understand the needs of students with diabetes and staff role in providing a safe learning environment.
- Contains information about federal laws and tools such as a sample diabetes medical management plan and sample emergency care plans.
- Includes current topics such as effective diabetes management for type 2 diabetes; equipment and supplies for blood glucose monitoring and administering insulin; and psychosocial issues affecting students with diabetes.

To learn more, visit www.ndep.nih.gov/SchoolGuide
SAFE AT SCHOOL UPDATES

33 states meeting the Association’s 3 Safe at School tenets as of August 2017

The Association joins as a party plaintiff in a lawsuit filed in July 2016 against Army Child, Youth & School Services Program to fight discrimination against children with diabetes


Updated trainer toolkit and resources at diabetes.org/safeatschooltraining
Checklist # 8

☑ Visit diabetes.org/safeatschool or call 1-800-DIABETES for information and strategies for self-advocacy
NEXT STEPS FOR PARENTS/GUARDIANS......

• Read the information on www.diabetes.org/safeatschool about legal rights and written plans.

• Call 1-800-DIABETES if you need information or have questions.

• Work with your child’s health care provider to develop or update your child’s DMMP.

• Schedule a meeting with the school nurse and/or principal to review DMMP.

• Help identify training resources.

• Initiate the 504/IEP process or update your child’s plan by contacting school’s 504/IEP coordinator.

• Sign the Insulin Affordability Petition: makeinsulinaffordable.org
FORMULA FOR A SAFE AND SUCCESSFUL SCHOOL YEAR 2017-2018

Planning + Education + Training + Communication + Teamwork

HAPPY BACK-TO-SCHOOL!