



Navigating the Gray Areas of School Diabetes Management

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Objectives

- Identify federal and state laws applicable to the management of students with diabetes in Wisconsin schools.
- Describe three characteristics of diabetes Type 1 that could lead to a student qualifying for 504 accommodations.
- Determine strategies for providing flexibility in diabetes management while following state laws and local school district policies.

Disclosures

- No Financial Conflicts of Interest
- We will only discuss therapies that are currently FDA approved

Applicable Laws and Regulations

- PI 8.01(2)(g) –Emergency Nursing Services
- IDEA- Special Education
- ADA- Section 504

Diabetes and 504

- A school district should not need or require extensive documentation or analysis to determine that a child with diabetes has a disability under Section 504 and Title II (Dear Colleague Letter, 58 IDELR 79-OCR 2012)
- As of January 1, 2009, school districts, must not consider the ameliorating effects of any mitigating measures that student is using.
- Likely entitled to a Section 504 plan that provides for the administration of insulin, snacks, meals, and blood sugar testing and the provision of emergency procedures in the event of a hypoglycemic episode. Lee County (FL) Sch. Dist., 46 IDELR 228 (OCR 2006)
- OCR's Letters of Findings have signaled that it does not generally approve of individualized health plans in lieu of 504 plans.

Diabetes and 504

Characteristics of diabetes that might qualify a student for a 504 plan

- Body system-endocrine system involvement
- Life activity substantially limited- eating, working, caring for oneself, learning, concentration
- Major bodily functions- growth, digestive, neurological, immune system, bowel, bladder....

Strategies involving flexibility and creativity

May a school accept a written order to adjust the medication dosage based upon the parent or guardian's instruction?

- Per Wis. Admin. Code § N 6.03(2)(a) registered nurses and licensed practical nurses may only administer medication consistent with orders from a practitioner.
- Parent or guardian requests to administer non-prescription medication in a dosage other than the recommended therapeutic dosage requires written approval of the student's practitioner.
- Wis. Stat. § 118.29(2)(a)2 requires the prescription medication to be supplied in the original pharmacy-labeled package, including the dose. Therefore, practitioners' orders instructing schools to consult with a parent or guardian for a dosage are not acceptable **unless the order specifies a dosage range within which to accept proposed adjustments or dosages.**