

For Immediate Release**Contact:** Lauren Gleason (703) 549-1500 ext. 2622
lgleason@diabetes.org**American Diabetes Association Applauds the U.S. Department of Justice and Medical and Disability Rights Groups for Filing Briefs in its Case Seeking to Ensure Access to Insulin for California Students with Diabetes**

The briefs, filed by a broad spectrum of groups, emphasize that non-medical school personnel can safely administer insulin and, given the severe nursing shortage in California, must be permitted to do so to safeguard these students' health, academic success – and civil rights

ALEXANDRIA, VA (May 13, 2011) – Key medical organizations involved in the treatment of diabetes, organizations advocating for the rights of children with disabilities, child care advocates, the United States Department of Justice, the California Department of Education, and the California School Boards Association filed friend of the court briefs in the California Supreme Court this week in support of the American Diabetes Association's [efforts](#) to ensure that all of California's students with diabetes can access insulin and remain safe at school.

The groups filed the briefs in *American Nurses Association v. O'Connell*, No. S184583, in which the California Supreme Court will determine whether non-medical school personnel are permitted to administer medications, including insulin, to children in California's public schools. The Court is reviewing a decision by a California appellate court finding that under state law only nurses are permitted to administer insulin and other medications – and that other school employees are prohibited from helping a child by volunteering to be trained to administer insulin. Children with diabetes are in danger as a result of this ruling because the reality is that there are not enough nurses available in California's schools to administer the insulin that is these children's lifeblood. Diabetes experts agree that permitting trained non-medical school personnel to administer insulin when a nurse is not available is safe and in the best interests of these students.

Six amicus briefs were filed this week by groups supporting the Association's position:

- Medical groups, including the American Academy of Pediatrics - California District, American Academy of Pediatrics - Section on Endocrinology, the American Association of Clinical Endocrinologists, the American Association of Diabetes Educators, The Endocrine Society, and the Pediatric Endocrine Society filed a brief prepared by Cooley LLP in Palo Alto, CA. This brief clarified that there is overwhelming agreement among medical experts in the care of people with diabetes that insulin administration by non-medical personnel in a

variety of different settings, including schools, is in the best interest of people with diabetes and that this practice is necessary to ensure that students with diabetes can get the insulin they need at school.

- The Children’s Rights Clinic, Disability Rights Advocates, Disability Rights California, Disability Rights Legal Center, Disability Rights Texas, The Los Angeles Unified School District and The Legal Aid Society – Employment Law Center filed a brief, prepared by Skadden Arps Slate Meagher & Flom in Los Angeles, CA, that stressed the disastrous impact that the appellate court ruling, if upheld, would have on students with diabetes and other conditions requiring other medications, and the need for medication administration by non-medical school personnel to protect the fundamental rights to education guaranteed by the California State Constitution.
- The Child Care Law Center filed a brief, prepared by Morrison & Foerster LLP in Los Angeles, CA, describing the negative impact of the appellate ruling on access to child care for children with diabetes and other conditions requiring medication administration.
- The United States Department of Justice brief focused on the need to allow non-medical school personnel to administer insulin in order to ensure the federal civil rights of California students are protected.
- The California Department of Education and the State Superintendent of Public Instruction filed a brief, prepared by Remcho, Johansen & Purcell, LLP in San Leandro, CA, expressing the belief that state law does in fact authorize non-medical school personnel to administer insulin when a nurse is not available and that this is the best approach to assure students’ safety.
- The California School Boards Association filed a brief, prepared by Fagen Friedman and Fulfrost LLP in Oakland, CA, stressing that adherence to the lower court’s decision would be a practical and fiscal impossibility, given the costs of employing sufficient numbers of nurses statewide and California’s current budget crisis.

The case before the California Supreme Court comes after over five years of litigation. The American Diabetes Association and families of children with diabetes, represented by the Disability Rights Education and Defense Fund and Reed Smith LLP, originally filed suit in federal court seeking to protect the federal civil rights of California students with diabetes. When a settlement of that lawsuit protected children by allowing school staff members to volunteer to be trained to administer insulin at school and school-related activities, several nurse organizations challenged the agreement in state court. “Every child with diabetes has a right to be medically safe at school and to have the same educational opportunities as other children,” commented John W. Griffin, Jr., Chair of the Board, American Diabetes Association. “We urge the California Supreme Court to recognize these rights and protect these children, and we will continue to fight for fairness and safety for children with diabetes and all those affected by the disease. We will not abandon these children when there is no nurse present.”



NEWS RELEASE

About The American Diabetes Association

The American Diabetes Association is leading the fight to stop diabetes and its deadly consequences and fighting for those affected by diabetes. The Association funds research to prevent, cure and manage diabetes; delivers services to hundreds of communities; provides objective and credible information; and gives voice to those denied their rights because of diabetes. Founded in 1940, our mission is to prevent and cure diabetes and to improve the lives of all people affected by diabetes. For more information please call the American Diabetes Association at 1-800-DIABETES (1-800-342-2383) or visit www.diabetes.org.

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