

Lawsuit: Schools Neglect Diabetics

GRACE RAUH, STAFF WRITER | THE OAKLAND TRIBUNE (CALIFORNIA) | OCTOBER 12, 2005

FREMONT: A Fremont student, along with three students from Danville and the American Diabetes Association, filed a class-action civil rights complaint Tuesday against the Fremont and San Ramon Valley school districts and the state alleging they are not providing adequate care for their diabetic students. According to the complaint, the school districts are not giving insulin shots to students or properly monitoring their blood glucose levels, putting them at risk for serious and even fatal health problems.

It states that the districts and state are violating the Rehabilitation Act, the Americans with Disabilities Act and other federal regulations.

The plaintiff in Fremont is a second-grader at Durham Elementary School who receives four to six shots of insulin each day and needs to check her blood sugar level seven to 10 times. School employees will not give the student an insulin shot as needed, so when the child's blood sugar readings reach a certain level, her mother drives roughly 30 miles from her job in Livermore to administer the insulin, the complaint states.

"Our interpretation of the federal law is that school districts, as well as the state ... are required, as a matter of law, to provide care and treatment to children who need it," said James Wood, an attorney with Reed Smith LLP who is leading a pro bono team of attorneys from the firm's Oakland and San Francisco offices.

The lawsuit seeks to ensure "that schools, teachers and principals recognize not just their legal obligation, but moral and ethical obligation, to provide a safe and healthy environment for those children who are sick," he said.

Attorneys from the Berkeley-based Disability Rights Education and Defense Fund Inc. also are representing the plaintiffs.

Fremont's new superintendent, Doug Gephart, did not return a call for comment but asked Carole Pine, an administrative secretary in the superintendent's office, to return The Argus's call. Pine said the district did not have a copy of the complaint and could not comment on it. On Tuesday evening, only a few hours after the complaint was filed in federal court, school district spokesman Gary Leatherman issued a news release asking for parent input on the district's medication policies.

"It is a strange coincidence," said Leatherman, when asked about the timing of his release. He said district officials had been trying to set a date for the meeting on student health for weeks, "and lo and behold, we got this notice we were being sued over that very issue."

"It is something that is obviously an issue with parents," he said.

The school district's policy on student medication states that prefilled injections may be given at school by, among others, a trained staff member or licensed nurse.

Anna Gibson, a Fremont parent with a diabetic son, said the lawsuit is long overdue. "Over the last eight years, I have taken to the podium over and over again to try to get the district to comply with these laws," she said. "My son is a freshman, and I started having problems when he was in kindergarten."