

Safe at School®: Your School and Your Rights

How the Law Protects Children with Diabetes

There are laws protecting the rights of children with disabilities such as diabetes. Children with diabetes have the right to enroll and participate in school, just like other kids. They also have the right to the care they need to be safe. Here are some important laws and what they mean for children with diabetes.

Section 504 of the Rehabilitation Act of 1973

A federal law, often known as “Section 504,” prohibits programs that get federal funding from treating children with disabilities—like diabetes—unfairly. This includes all public schools, and many private and religious schools. Section 504 gives all children with disabilities the right to the care they need to be safe and fully participate.

Under Section 504, diabetes is a disability, so every child with diabetes is protected against unfair treatment. A disability under Section 504 is a “physical or mental impairment that substantially limits one or more major life activities.” Individuals with diabetes are considered to have a Section 504 disability because their endocrine system, a major life activity that helps regulate bodily functions, is substantially limited. This is another way of saying your child’s endocrine system does not work correctly because it does not produce and/or use insulin properly. Your child does not need to experience academic difficulty to be protected under Section 504.

You can make sure your child’s diabetes needs are met at school with a Section 504 Plan. This plan describes how your child’s diabetes needs will be managed at school. Download a sample plan from diabetes.org/504Plan. The Americans with Disabilities Act, like Section 504, prohibits covered schools from discriminating against children with diabetes. However, religious organizations are not included under this law. Otherwise, the law protects children the same way as Section 504 does.

The Individuals with Disabilities Education Act (IDEA)

Under IDEA, the federal government gives money to state and local education agencies to provide special education services to some children with disabilities. For a child to receive these services, there must be proof that a student’s disability is harming their ability to learn. Some, but not all, children with diabetes qualify for special education under IDEA. If your child qualifies, you will develop an Individualized Education Program (IEP) with school officials.

State Laws

In addition to federal laws, many state laws provide additional protections. Visit diabetes.org/SASLaws to learn more about your state’s laws.

Your Child’s Right to Care and Services

These laws give your child the right to receive diabetes care at school. Each child with diabetes has specific needs the school should be prepared to meet. Talk with your child’s doctor or diabetes educator to decide what your child needs at school. Your child’s diabetes care plan, sometimes referred to as a Diabetes Medical Management Plan (DMMP), should be part of a Section 504 Plan or IEP. Learn more and get a sample DMMP at diabetes.org/DMMP.

What You Can Do

- **Ask for a 504 Plan or IEP.** Your child's school principal, special education/Section 504 coordinator, a teacher, or school nurse should know your school's process for putting a plan in place. Counselors, social workers, or district administrators may also be able to help. Be persistent and keep asking until somebody helps!
- **Write it down.** You and the school should create a Section 504 Plan or IEP. Make sure to get a copy. Keep all documents, including emails, letters, and medical notes. Keep a log of all relevant conversations, including names and dates.

Guidelines for Drafting a Section 504 Plan or IEP

- Trained school staff should meet your child's diabetes care needs.
- Staff members trained in monitoring blood glucose (blood sugar) and administering insulin and glucagon should always be present.
- All staff members who work with your child should recognize the warning signs of low and high blood glucose (hypoglycemia and hyperglycemia) and know how to get help.
- School staff should provide care during school, before-and after-school activities, sports, and field trips. Parents/guardians should not be required to attend to provide care.
- Diabetes care should be provided at your child's school.
- School policies should be modified for your child so they are allowed to:
 - Check and respond to blood glucose and administer insulin wherever and whenever necessary, including in the classroom if your child has the skills and maturity to do so.
 - Eat wherever and whenever necessary.
 - Take extra trips to the bathroom or water fountain.
 - Postpone academic tests without penalty if their blood glucose level is out of range.
 - Be excused for absences due to medical appointments and diabetes.
 - Have access to Wi-Fi to manage diabetes.
 - Have access to cell phones or other smart devices to manage their diabetes.

Safe at School Discrimination Checklist


- Are there trained school staff who can give insulin and glucagon and respond to continuous glucose monitor (CGM) alarms?
- Is your child allowed to do their own blood glucose checks and treat them in class?
- Does your school provide a school nurse or trained school staff to go on field trips with your child?
- Is your child allowed to take an exam at another time if they have high or low blood glucose?
- Can your child attend the school they would otherwise attend if they did not have diabetes?

If you answered "no" to any of these questions or your child is having other problems with diabetes care at school or school activities, your child may be experiencing unfair treatment and may not be safe at school. Free information and resources are available online at diabetes.org/SafeAtSchool.

The Steps to Get Fair Treatment

1. Educate: Explain to staff what diabetes is and how it affects your child. Be prepared to provide information to prevent problems when problems arise. You can do this through the Section 504 or IEP process, or staff training. The ADA has resources to help at diabetes.org/SafeAtSchool.

2. Negotiate: Try to listen to school staff concerns and clearly communicate yours. Make sure you know about and participate in all Section 504 or IEP meetings. Even after you have a plan in place, you still may need to educate and work with school staff to make sure your child's needs are being met. It's easier if everyone can work out an agreement.



3. Litigate: If your child continues to be discriminated against, you have the right to file a complaint or lawsuit. The process is different for each law, and you may need an attorney.

4. Legislate: If the laws are not protecting children with diabetes, the laws might have to change. Contact us at **1-800-DIABETES (800-342-2383)** or **AskAda@diabetes.org** if you think this is necessary.

Need information on a discrimination issue?

Have questions about your school's legal obligations to provide diabetes care to your child? Call **1-800-DIABETES (800-342-2383)** or email **AskAda@diabetes.org**. If your issue is within our areas of service, you will receive tailored information and guidance from one of the ADA's legal advocates. Although the ADA cannot represent you or advocate on your behalf, we can help you understand your child's rights and give you practical tools to solve your problem. We may also be able to refer you to an attorney.