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The Law, Schools, and Your Child with Diabetes

Jump to a new section

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The Laws

The right of children with diabetes to care for their diabetes at school is based on the Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act, and the Individuals with Disability Education Act (IDEA). These laws provide protection against discrimination for children with disabilities, including diabetes, in any program or activity receiving federal financial assistance. This includes all public schools and day care centers and those private schools and centers that receive federal funds.

There seems to be a lot of confusion regarding the differences between a 504 and an Individualized Education Plan (IEP). To put it simply, a 504 plan is a plan designed to deal with medical issues, such as diabetes, while an IEP is a plan designed to deal with educational challenges or special needs that need not be related to a medical treatment plan. A 504 would contain instructions, for example, for blood glucose monitoring, while an IEP would include instructions for additional reading education, should it be needed. Children with diabetes use a 504 plan for accommodations related to diabetes and need not have an IEP unless they have special academic needs.

- **Section 504 of the Rehabilitation Act of 1973**

According to this law, parents of qualifying children have the right to develop a Section 504 plan with their child's school. To qualify for protection under Section 504, a child must have a record of such impairment, or be regarded as having such impairment. Schools can lose federal funding if they do not comply with this law. Parents can use these laws to ensure that, while at school, their children with diabetes can fully participate in all school activities, while at the same time caring for their medical needs. This means that the school cannot: refuse to allow a child with a 504 to be on the honor roll, deny credit to a student whose absenteeism is related to diabetes, refuse to administer medication (a school cannot require parents to waive liability as a condition of giving medicine), and determine sports/extracurricular participation without regard to the student's diabetes. Any school that receives Federal funding must comply with IDEA and Section 504 laws. A child need not require special education to be protected.

- **The Americans with Disabilities Act**

This law prohibits all schools and day care centers, except those run by religious organizations, from discriminating against children with disabilities, including diabetes. Protection under this law is the same as that for Section 504.

- **Individuals with Disabilities Education Act (IDEA)**

IDEA mandates the federal government to provide funding to education agencies, state and local, to provide free and appropriate education to qualifying students with disabilities. This includes children who have diabetes. As with the other two laws, you must show that diabetes can, at times, adversely affect educational performance. The school is then required to develop an Individualized Education Plan (IEP) to accommodate your child's needs.

- **State Regulations**

Some states have enacted additional legislation to protect children with disabilities. Contact your state legislature for further information.

What this Means

Any educational facility, school or daycare center, which receives federal funding cannot discriminate in the admission, educational process, or treatment of a student who has diabetes. Provided that the presence of diabetes has been disclosed and verified, and that the student/parents have requested reasonable accommodations, the educational facility is required by law to make the approved modifications which allow the child with diabetes to fully participate and benefit from all school activities and programs.

The student/parents are not required to assume responsibility for the provision of needed accommodations. However, the school can refuse to grant a request for an accommodation that is not specifically documented. School personnel do not have the right to confidential medical information. They need only to know what needs to be done to guarantee equal opportunity for the student. Any individual member of school staff who fails to comply with the approved medical and education plan can be held personally liable.

Responsibilities

- **Student or Parents**

1. In a timely manner, identify that the child has diabetes.
2. Provide recent documentation that the child has diabetes.
3. In writing, request needed accommodations.
4. Request a meeting to discuss 504 Plan and IEP.

- **School personnel**

1. Provide written assurance of nondiscrimination.
2. Provide notice of nondiscrimination in admission or access to its programs or activities. Notice must be included in a student/parent handbook.
3. Designate an employee to coordinate compliance.
4. Cooperate in providing authorized accommodations.
5. Request physician's specific recommendations of needed accommodations.
6. Request a meeting to discuss 504 Plan and IEP.
7. Provide grievance procedures to resolve complaints.

What to include in a 504 Plan

1. Medication procedures and dosages (e.g. insulin administration prior to meals, etc.) You will want to note if your child is capable of deciding that amount to be given or provide an alternative such as calling a parent or using a chart to determine amount to be given.
2. Blood glucose testing procedures (when where, etc.). The school does have the right to not allow blood glucose testing in the classroom. However, if you can demonstrate that this procedure will not endanger others (i.e., materials will be disposed of at home and not at school), your school may allow the child to check in a secure area in the classroom.
3. Procedures for treatment of hyper and hypoglycemia.
4. Precautions to be taken before physical activity.
5. Guidelines for meals, snack, special treats, and parties.
6. Contact information for medical assistance (as needed) and parents.

Download a Sample 504 Plan

See our section on [sample 504 plans](#).

What to include in an IEP

1. The need for repeat of information. Sometimes, if a child has had an insulin reaction or extremely high blood sugar, that child may not be able to concentrate and need additional assistance.
2. The child with diabetes may need to be allowed to take make-up tests if that student has had an insulin reaction or severe hyperglycemia during an exam.
3. Flexibility in attendance requirements in case of health-related absences including physician visits (e.g., allowing students to be on honor roll and qualify for awards, etc).
4. Permission to leave class to use restroom as needed.
5. Provision of adequate time for taking medication, checking blood sugars, and completing meals and snacks.
6. Access to increased fluid intake as needed.

For More Information

- [Legal Protections](#) for children with diabetes at school

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[Return to Top of Document](#)

Jump to a new section



Go!

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