



## **FEDERAL LAW PROTECTIONS FOR STUDENTS WITH DIABETES** **TIPS FOR PARENTS/GUARDIANS**

- Children with diabetes are protected against discrimination by several federal laws that include the American with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973 (Section 504).
- Some children with diabetes may also be protected under the Individuals with Disabilities Education Act (IDEA).
- A new law, the American with Disabilities Act Amendments Act (ADAAA), went into effect on January 1, 2009, making it easier to prove that diabetes is a disability protected by the ADA and Section 504.
- A disability is defined by these laws as a substantial limitation on a major life activity.
- For children with diabetes, major life activities include, but are not limited to, the major bodily function of the endocrine system, eating, caring for oneself, thinking, communicating, and learning.
- The ADAAA expanded the list of major life activities to include caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, learning, reading, thinking, communicating and working. The ADAAA provides that major bodily functions are also major life activities. The law specifically includes the endocrine system.
- The use of insulin and/or medications to treat diabetes cannot be used by schools as a reason to exclude a child with diabetes from protections and services under these laws.
- If a school questions eligibility, the only thing that the school should require is a letter from the child's treating health care provider that explains that their child's diabetes is a disability because it substantially limits the functioning of his or her endocrine system.
- In order for a child to be protected and be eligible for services under ADAAA and/or Section 504, there is no requirement the diabetes affects learning or academic progression.
- If a child is having difficulty with learning he or she may be eligible for other protections and services under IDEA (see IDEA above).

For More Information:

If a child is experiencing problems with diabetes care at school, contact the Association's National Call Center at 1-800-DIABETES and ask for a discrimination packet and visit [diabetes.org/SafeatSchool](http://diabetes.org/SafeatSchool). The Call Center can also put the parent in touch with the Association's Legal Advocate who can provide expert guidance to enable the parent to advocate on behalf of his or her child.

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