

Fact Sheet – Diabetes and Postsecondary Education

1. What is this fact sheet for?

Postsecondary students—whether in vocational training, undergraduate, graduate, or professional programs—have the right not to be discriminated against because of their diabetes and to receive reasonable modifications when necessary.¹ This fact sheet provides general information on the legal rights of postsecondary students.

2. What anti-discrimination laws may protect college students with diabetes?

There are two important federal laws relating to college students with disabilities. They are:

- The Americans with Disabilities Act (ADA)
- Section 504 of the Rehabilitation Act (Section 504)

The ADA applies broadly to all state-run and private colleges, except that it does not apply to those operated by religious institutions. Section 504 applies to all colleges—including religious colleges—that receive federal funds. Most religious colleges receive federal funds. State and local anti-discrimination laws may provide additional protections.

3. What are a college's general obligations under the ADA and Section 504?

Under Section 504 and the ADA, colleges may not discriminate against qualified disabled applicants and students. As part of their anti-discrimination obligations, colleges must provide reasonable modifications to otherwise qualified students. These obligations extend beyond the classroom to include access to the full range of services, programs, and activities offered by colleges. However, colleges are not required to “fundamentally alter” the essential character of their offerings or provide any modification that would result in an “undue burden.” For example, your college may permit you to reschedule an exam if your blood glucose levels are out of target range, but may not be obligated to train staff in diabetes care.

4. Are college students with diabetes covered by the ADA and Section 504?

Because of recent legislative changes, nearly all students with diabetes should be covered. Individuals are covered if they have a physical or mental impairment that substantially limits one or more major life activities, have a record of such an impairment, or are regarded as having such an impairment. Most people with diabetes will be protected by the ADA and Section 504 because their diabetes substantially limits the functioning of their endocrine system. For more information on discrimination generally, including the definition of disability and establishing

¹ This fact sheet uses the short-hand “college” and “college student” for all postsecondary institutions and students. It also uses the term “modifications” for changes and adjustments in postsecondary programs, sometimes referred to as “accommodations.”

coverage under federal law, see <http://www.diabetes.org/living-with-diabetes/know-your-rights/discrimination>.

5. What are some examples of modifications that would be appropriate to request?

- permission to check blood glucose in classrooms and lecture halls
- permission to keep personal refrigerator for medical supplies in dorm room
- permission to reschedule an exam if experiencing high or low blood glucose levels
- breaks between separate sections of long exams to check blood glucose levels
- being excused for diabetes-related absences and the ability to make up work
- permission to have an extra break to eat during a clinic or internship
- permission to schedule classes so that a regular meal schedule can be maintained

6. What are some examples of modifications that likely would not be granted?

- training of school personnel in diabetes care
- significantly extra time on exams (as opposed to extra breaks during an exam)
- exemption from course requirements
- retroactive modifications, e.g., a change in a course grade after a failure to disclose diabetes or request modifications

7. What are some of the main differences between a college's obligations and a high school's obligations under the ADA and Section 504?

Elementary and secondary schools are responsible for the well-being of the children under their care and therefore they provide a wide range of services. For example, they test younger students' blood glucose levels, help them understand what to eat, and administer insulin. Colleges do not have the same obligation to care for students and most students prefer to perform these tasks independently.

Public elementary and secondary schools that receive federal funding have an affirmative obligation to provide a "free appropriate public education" or FAPE to each qualified person with a disability in their jurisdiction. Colleges have no such obligation to provide an education to any particular person. However, they must not discriminate against otherwise qualified students.

Public elementary and secondary schools also must identify children with disabilities. In contrast, in college, students have the burden of identifying themselves as individuals with disabilities. If students need any modifications, they must proactively request them.

Finally, while many high schools create an Individualized Education Program (IEP) or Section 504 Plan for students with diabetes, colleges typically do not. While colleges should provide written documentation of any modifications agreed to, this documentation typically will not be called a "Section 504 Plan."

8. Can a college ask about my diabetes during admissions?

Colleges are generally prohibited from making pre-admission inquiries about the disability status of applicants. For example, a police academy run by a local community college should not ask applicants to disclose their health conditions.

Because of this prohibition, there is no requirement that applicants disclose their diabetes. Unless you choose to include information about your diabetes on your application—say, as part of your admissions essay—your diabetes should play no part in the admissions decision.

9. Once enrolled, how should I seek modifications from my college?

While the precise name will vary, most colleges have an office of disability services that coordinates assistance for students. Information about this office should be available on the general college's website, in the official bulletin, or from the registrar or academic dean. Registering with this office is normally the first step you should take to put your college on notice of your diabetes and to request modifications on this basis.

You should register as soon as possible, ideally before any problems arise. While colleges must provide reasonable modifications, they need not provide retroactive modifications (for example, permitting a student who performed poorly due to hypoglycemia but who had never disclosed his or her diabetes).

Once registered, students can receive modifications through the office, and it can assist students in working with other officials throughout the college. For example, it can help a student on an athletic team solve a dispute with the athletic department or assist a student seeking nutritional information from dining services.

Additionally, many disabilities services offices provide students with “accommodations letters” to give to their professors at the beginning of every semester. These letters give professors notice that students have registered with the disability services office and have come to an agreement that certain modifications will be provided.

10. What type of documentation is typically required in order to receive modifications?

Many colleges require that you provide a recent letter from your doctor that includes the following general elements (you should adopt your letter to the specific requirements of each college):

1. A diagnosis of your diabetes along with its symptoms;
2. An explanation of how your diabetes is a disability, if that has been questioned; and
3. A request for specific modifications along with a clear rationale for why these modifications are appropriate.

11. Do clinic participants and student workers have any protection against discrimination?

Yes. The ADA and Section 504 protect individuals with diabetes from discrimination in clinical programs and in employment. (The precise procedures to enforce the law may differ depending on whether payment is received or how the placement is connected to the college.) Individuals who are otherwise qualified to do their jobs must not be excluded or screened out on the basis of their disability and, if they request it, must be provided with reasonable accommodations to permit them to perform their job.

For example, a nursing student participating in the clinical component of her program may receive permission to have an extra break to check her blood glucose. A student with a work-study job at the library may receive permission to have juice and snacks at her desk, even if a general “No Food, No Drink” policy is enforced.

For more information on employment discrimination and reasonable accommodations, see <http://www.diabetes.org/living-with-diabetes/know-your-rights/discrimination/employment-discrimination>.

12. What can I do if I think I am being discriminated against?

If you think you are being discriminated against, call 1-800-DIABETES (1-800-342-2383) for additional information and to learn how you can speak with one of the Association’s Legal Advocates. You can also find more information on postsecondary issues here: <http://www.diabetes.org/living-with-diabetes/parents-and-kids/diabetes-care-at-school/special-considerations/post-secondary-education.html>.

Every reasonable effort should be made by college officials and students to reach a consensus regarding the modifications to be provided students with diabetes. If a consensus cannot be reached, a number of methods are available to resolve disagreements. Some of the options that may be available and should be considered include:

- Mediation (an informal process where the parties, often with the help of a neutral third party, attempt to negotiate a solution)
- Internal college grievance procedures
- Complaints to federal or state enforcement agencies
- Lawsuits in federal or state court (litigation is usually viewed as a last resort for discrimination complaints involving students with diabetes, partly because of the time required for a lawsuit to be resolved)

Important Note: This fact sheet describing the legal rights of individuals with diabetes is for your general information and review only, and is not to be construed as a substitute for the advice of legal counsel.