

Addressing Discrimination



Educate

Educate your school personnel about diabetes and how it affects your child. This is often achieved through a combination of the Section 504/IEP process and working with the school nurse to identify resources to train selected staff in the specific diabetes care tasks necessary to meet your child's needs.

Negotiate

During the process of developing your child's accommodation plan, you may need to negotiate with school officials. You do not have to sign a plan unless you agree to it. However, you are likely to reach agreement more easily if you attempt to understand the concerns of school personnel and negotiate toward an agreement suitable to everyone involved.



Litigate

If your child's needs are not being met, you have the right to file an administrative complaint or a lawsuit in court. The procedure you follow will vary depending on whether your claim is under the IDEA, Section 504, or the Americans with Disabilities Act. After exhausting your other options, seeking protection in the courts may be necessary to ensure that your child receives the education and medical care that he or she deserves.

Legislate

If you find that the current laws and policies aren't providing your child - and other children with diabetes - with the protection they need, your next step might be working to change the rules at either a local, statewide, or national level.



ADA, through its Safe at School™ Campaign, is committed to ensuring that students with diabetes start each school day knowing that their diabetes needs will be safely met in the school setting and that they can take advantage of all that school has to offer.

ADA's Safe at School™ Campaign Resources

ADA offers additional materials to help with back-to-school preparations and to assist those facing discrimination in schools and day care centers. Call **1-800-DIABETES (342-2383)** for the ADA's school discrimination packet and to speak with ADA's legal advocate about a specific concern; to learn more about Safe at School™ visit www.diabetes.org/safeatschool.

Call **1-800-DIABETES (342-2383)** for general information on diabetes; or visit our website at www.diabetes.org.

Call **1-888-DIABETES (342-2382)** for information on ADA's youth initiatives and visit www.diabetes.org/planetD

Call **1-800-ADA-ORDER (232-6733)** to order books or a catalog.

Call **1-800-806-7801** for subscription and membership questions.

DREDF

This pamphlet was written in conjunction with the Disability Rights Education and Defense Fund, Inc. (DREDF). DREDF is a national law and policy center dedicated to protecting and advancing the civil rights of people with disabilities. DREDF can be reached by telephone at **510-644-2555** or on the web at www.dredf.org.

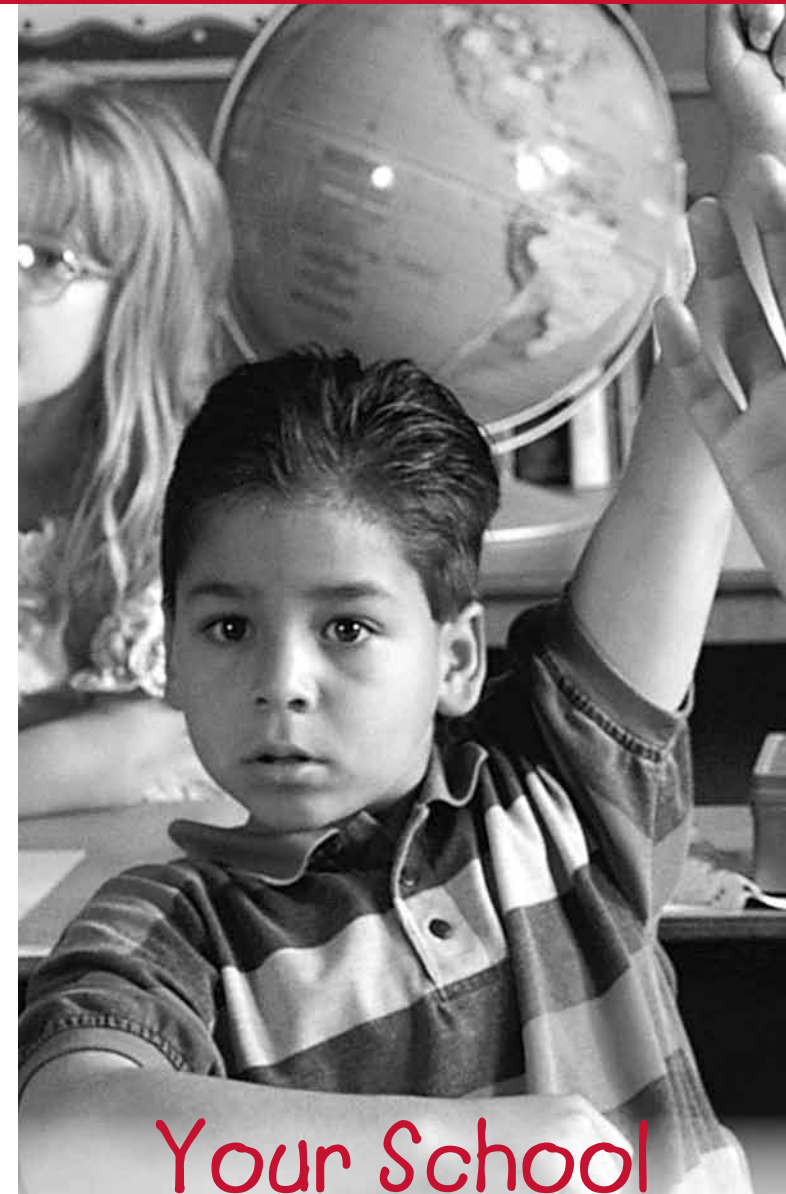
Other Useful Telephone Numbers and Websites

National Diabetes Education Program:
"Helping the Student with Diabetes Succeed:
A Guide for School Personnel"
1-800-438-5383;
www.ndep.nih.gov/diabetes/pubs/Youth_SchoolGuide.pdf

U.S. Department of Education, Office of Civil Rights:
1-800-421-3481;
www.ed.gov/about/offices/list/ocr/index.html

U.S. Department of Education,
Office of Special Education Programs:
1-800-421-3481;
www.ed.gov/about/offices/list/osers/index.html

U.S. Department of Justice:
1-800-514-0301; www.ada.gov



Your School and Your Rights

Protecting Children with Diabetes Against Discrimination in Schools and Day Care Centers

Children with diabetes sometimes face problems in obtaining the care they need in schools and day care centers. The following information will help you understand the rights of children with diabetes and what you can do to make sure your child receives fair treatment.

The Laws

Students with disabilities have a right to a “free, appropriate public education” without discrimination. In addition, children in many private schools and day care centers are protected against discrimination on the basis of disability. These rights are guaranteed by the following federal civil rights and education laws.



Section 504 of the Rehabilitation Act of 1973

Section 504 protects individuals with disabilities against discrimination in any program or activity receiving

federal financial assistance. This includes all public schools and those day care centers and private schools that receive federal funds. To qualify for protection under Section 504, a child must have a physical or mental impairment that substantially limits one or more major life activities (such as eating, caring for oneself, learning or a major bodily function such as endocrine function), have a record of such an impairment, or be regarded as having such an impairment. In making this determination, a person with diabetes is viewed as he or she would be without the help of mitigating measures such as insulin. Parents/guardians of qualifying children have the right to develop a Section 504 plan with their child’s school. Schools can lose federal funding if they do not comply with this law.



The Americans with Disabilities Act

The Americans with Disabilities Act prohibits all schools and day care centers, except those run by religious organizations, from discriminating

against children with disabilities. The standard for coverage is the same as under Section 504.

Individuals with Disabilities Education Act (IDEA)

Under IDEA, the federal government provides financial assistance to state and local education agencies in order for these agencies to provide a “free, appropriate public education” to qualifying children with disabilities. In order to be covered by IDEA, a child with diabetes must show that the disease adversely affects his or her educational performance. Once shown, parents/guardians and school officials develop an Individualized Education Program (IEP).

In addition to these federal laws, some state laws provide additional protections



Your Rights

As the parent or legal guardian of a child with diabetes, you have the right:

- To have your child assessed under IDEA and/or Section 504
- To hold an IEP or a Section 504 meeting with school and school district personnel. You have the right to bring an advocate, attorney, and/or experts to this meeting to better explain your child’s diabetes management.
- To develop an IEP or a Section 504 plan that specifically states your child’s needs and the services required to meet these needs. You do not have to sign the plan if you do not agree with it. To begin implementation, you can sign the parts you agree with and not sign the parts that still require discussion.
- To be notified of any proposed changes in your child’s plan, to attend any meetings concerning proposed changes, and to approve any changes.

Accommodations

Schools and day care centers covered by the laws discussed in this section must accommodate the special needs of qualifying children. Parents/guardians should document this accommodation in either a Section 504 plan, an IEP, or as written accommodations under the Americans with Disabilities Act. The document should specifically state the child’s disability, needs, accommodations, and how these accommodations will be delivered.

Your written plan might include accommodations such as:

- Assuring that all school staff members who have responsibility for your child have a basic understanding of diabetes and know who to contact in the event of a diabetes emergency.
- Assuring that, in addition to the school nurse, a small group of school staff members have been trained so that a staff member is always available to provide routine and emergency diabetes care such as blood glucose checking and insulin and glucagon administration.
- Allowing your child to self-manage his or her diabetes in the classroom and in other locations, and allowing your child to promptly treat hypoglycemia and hyperglycemia.
- Insuring full participation in all sports, extracurricular activities, and field trips, with the necessary assistance and/or supervision provided.
- Eating whenever and wherever necessary, including eating lunch at an appropriate time with enough time to finish eating.
- Taking extra trips to the bathroom or water fountain.
- Permitting extra absences for medical appointments and sick days when necessary.

These are examples of some of the things to include in an individual plan. Consult with your child’s health care team when determining your child’s requirements.

