

Fact Sheet: The Rights of Students with Diabetes at Religious Schools

1. What is this fact sheet for?

Around 10% of all students in the United States attend private elementary or secondary schools. Nearly 80% of these students attend religious private schools. This fact sheet is to help parents and guardians understand the legal rights of students with diabetes in religious schools and to provide them with the information necessary to keep students with diabetes safe and healthy no matter where they attend school.

2. Are there any federal laws that protect my child who attends a religious school against discrimination on the basis of disability?

If your child's religious school receives federal funding, as many religious schools do, [Section 504 of the Rehabilitation Act of 1973](#)¹ protects your child with diabetes from discrimination on the basis of disability. This federal law, often known as "Section 504," prohibits programs that get federal funding from treating children with disabilities—like diabetes—unfairly. It gives students with disabilities the right to the care they need to be safe and fully participate in school and school activities. 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, 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 be having academic difficulty in order to be protected under Section 504.

[The Americans with Disabilities Act](#)² (ADA) is a federal law that protects individuals with disabilities from discrimination in employment, government entities, and places of public accommodation, including schools. However, the ADA contains an exemption for religious institutions, including religious schools. Therefore, the ADA **does not** apply to religious schools or offer students attending these schools protection from discrimination.

3. What are some possible sources of federal funding that require religious schools to comply with Section 504?

Many religious schools receive federal funding, including a large percentage of Catholic schools. Possible sources of federal funding may include:

- Free or reduced breakfast and lunch programs
- Special education grants
- Funding for at-risk students
- Technology assistance or program grants
- Funding for textbook or supplies
- Professional development programs for teachers and staff
- School choice voucher programs

¹ www.diabetes.org/living-with-diabetes/parents-and-kids/diabetes-care-at-school/legal-protections/section-504.html.

² www.diabetes.org/living-with-diabetes/parents-and-kids/diabetes-care-at-school/legal-protections/americans-with-disabilities.html.

4. How can I determine whether my child's school receives federal funding?

Unfortunately, there is no easy answer to this question. However, the following steps may be helpful:

- **Ask:** Ask the principal or administration of your school, or the church, synagogue, or other place of worship connected to the school. If your school is overseen by another institution (for example a local Catholic diocese), contact its offices. Many schools and institutions are willing to disclose this information.
- **Check the school handbook:** Search for indications of special programs or services.
- **Check with other parents or the parent teacher association:** Other parents can be valuable resources, particularly if they have negotiated with the school on behalf of their child.
- **Search the Internet (including the school's website):** Check online to see if there is access to a school's records or information on the school's programs and services.

5. What about the separation of church and state?

Religious private schools are allowed to accept federal funding for school lunch programs, technology assistance, teacher development and training, and other programs that do not have a religious focus. Once a school makes the decision to accept federal money, however, it is required to follow Section 504 and not discriminate against students with disabilities. Accepting federal money does not change the fact that religious schools are still allowed to teach students about religion, hold worship services, and express religious principles.

6. My child's school receives federal funding. What protections and modifications should be provided?

Your child's diabetes care needs should be met by trained school staff:

- Staff members trained in monitoring blood glucose and administering insulin and glucagon should always be present.
- All staff members who regularly 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 afterschool activities, sports and field trips. You should not have to attend.
- Diabetes care should be provided at the school your child would attend if he or she did not have diabetes.

School policies should be modified for your child so he or she is allowed to:

- Check his or her own blood glucose and administer insulin wherever and whenever necessary, including in the classroom, as long as 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 his or her blood glucose level is out of range.
- Be excused for absences due to medical appointments and diabetes-related illness.

7. Are there any state laws that apply to my child's school?

Possibly. Most states have antidiscrimination laws that resemble the ADA or Section 504. While some states exempt religious institutions from compliance with their civil rights laws, others make no such

exemption. These states provide some protections for students with disabilities from discrimination even in religious schools. Even if religious schools are not generally covered by state laws, if they receive state or local funding, they still may have antidiscrimination obligations. Religious schools that receive school choice vouchers and charter schools may fall into this category.

[Each state has different laws, regulations, and policies](#)³ that can affect diabetes care at school. For example, some states permit only nurses to administer insulin or glucagon to students in a school setting. In other states, volunteers or school staff members such as teachers, coaches, or principals may be trained to assist students with diabetes care.

Many states have specific school health or diabetes care laws that protect the rights of students with diabetes. Some states also have specific policies that protect a student's right to carry their supplies with them during the school day, to self-administer their medications, and to manage their diabetes whenever and wherever necessary. However, not all of these laws cover private and/or religious schools. Contact the Association at 1-800-DIABETES to learn more about the laws in your state or visit our [Safe at School](#)⁴ website.

8. My child's school is not covered by Section 504 or state antidiscrimination laws. What can I do to make sure my child is safe at school, is treated fairly, and is free from discrimination?

There are many ways that you can make sure that your child is treated fairly and gets the care she or he needs, even if Section 504 or state antidiscrimination or diabetes care laws do not apply. Here are some suggestions:

- a. **Check state law & policy:** Some private school students may be protected by various aspects of state contract law or state tort law.
- b. **Check to see if your child's school has a non-discrimination policy:** If so, be prepared to remind the school of its obligations under that policy.
- c. **Appeal to your school's ethical values:** Many religious private schools promote value systems that encourage tolerance, diversity, and inclusion for individuals with disabilities.
- d. **Educate the school:** Your child's school may be reacting out of fear or misunderstanding. Provide the school with as much information, background, and training materials as possible.
- e. **Be prepared to negotiate:** Be prepared to meet with the school and remain flexible. Work together with the school to put together a plan that will help keep your child safe, healthy, and fully engaged at school.
- f. **Appeal to a higher authority:** If the stumbling block at your child's school is the principal, then be prepared to elevate your concerns to another level. For example, you could contact the school's governing board, the pastor, rabbi, or other religious authority, the church council, or the synagogue board. If your school is part of a larger denomination, you might also contact individuals at the diocesan offices or the relevant governing authority.

9. How should I prepare for the upcoming school year?

- a. **Learn about your child's legal rights and your school's legal obligations:** Visit the American Diabetes Association's [Safe at School](#) website and review the materials. Be familiar with your school's medication administration policies and practices.

³ www.diabetes.org/living-with-diabetes/parents-and-kids/diabetes-care-at-school/legal-protections/state-laws-and-policies.html.

⁴ www.diabetes.org/safeatschool.

- b. Learn about written care plans:** Visit the American Diabetes Association’s [Safe at School](#) website to learn about the types of written plans used to protect students with diabetes. Template plans include: [Diabetes Medical Management Plan \(DMMP\)](#)⁵ and [Section 504 Plan](#)⁶.
- c. Write it down:** Consult with your child’s health care provider and develop a written management plan that sets out how your child’s diabetes needs should be met at school.
- d. Set up a meeting:** Contact your school nurse and principal. Schedule a meeting to discuss your child’s needs and to initiate the written plan process.
- e. Send supplies:** Make sure your child has all of the equipment, supplies, and snacks necessary to care for his or her diabetes.
- f. Be a resource for your school nurse or trained diabetes personnel:** Be prepared to answer questions about your child’s needs and to work with school staff when necessary. ADA’s website has trainings materials that you can share with your child’s school nurse, principal, and teachers.

10. Can I get help if my child is experiencing discrimination?

Yes. The Association’s Safe at School® campaign helps students with diabetes start each school day knowing their diabetes needs will be safely met so they can take advantage of all school has to offer.

If you need help, call us at 1-800-DIABETES (342-2383) and ask how you can speak with an American Diabetes Association legal advocate. These legal advocates are lawyers who specialize in diabetes discrimination issues, and will help you understand the law and your legal rights. A legal advocate will speak with you about exercising your rights, give you tools to use to advocate for yourself, work on a resolution of your problem, and guide you through the legal process (if any).

Free resource packets are available by calling 1-800-DIABETES (342-2383) or online at our [Safe at School](#) website.

Important Note: This document describing the legal rights of individuals with diabetes is for your general information and review only. It is not a substitute for the advice of legal counsel.



⁵ www.diabetes.org/dmmp.

⁶ www.diabetes.org/504plan.