

Center for Children's Advocacy
Medical-Legal Partnership Project
Protecting Children With Disabilities

Protecting Children with Diabetes Attending School, Camp, Day Care and After Care

Camp, Day Care and After Care

Federal Law Americans with Disabilities Act (ADA)

No child with a diagnosis of diabetes can be excluded from a camp, after care or day care program because of their diabetes.

What types of camps, day care and after care (programs) must comply with the ADA?

Most programs must comply with the ADA regardless of whether they are run by a public or private entity.

- **Programs of State and Local Governments**
Title II of the ADA requires that state and local governments provide persons with disabilities equal opportunity to benefit from their programs, services and activities. Therefore, any day care, after care or camp program run by a city or town must allow children with diabetes to attend the program.
- **Programs available to the Public**
Title III of the ADA prohibits discrimination against any citizen who wishes to access any program within the public domain. Therefore, privately run camps, day care centers and after care programs may not refuse participation in any of their programs because a child is diabetic.



Under the ADA, what types of accommodations are appropriate for children with diabetes?

Programs are required to evaluate each child individually and make reasonable accommodations for that child. Reasonable accommodations include:

- modifications for children with diabetes, including those who are insulin-dependent
- training staff to administer daily medicine (as they must do for any child who requires medication) including insulin (via pumps or shots) and emergency medications (such as glucagon and Diastat)

Can programs require parents to come to the facility to test a child and administer medication?

Parents should not be responsible for overseeing a child's medical treatment while the child is attending the program.

School

Federal Law Section 504 - Rehabilitation Act of 1973

Children with diabetes have the right to be educated regardless of disability. No child with a disability may be excluded from participation in a school setting simply because of that disability.

Which children are protected under Section 504?

Section 504 applies to children who:

- have a physical or mental impairment that substantially limits one or more major life activities (walking, seeing, hearing, breathing, etc)
- have a record of such impairment, or
- are regarded as having such impairment

School districts are required to identify children with disabilities and notify parents and children of their rights.

(continued on reverse)

What services are schools required to provide for children with diabetes?

School systems must develop an individualized plan that provides an accommodation to the child's disability.

Sample accommodations include:

- Tutoring
- Extra set of books at home
- Extra breaks to access nurse or social worker
- Extended time for tests or assignments
- Assisted technology
- Recognition and prompt treatment of hypoglycemia and hyperglycemia by trained school personnel during school day, on field trips, during extracurricular activities
- Immediate access to diabetes supplies and equipment
- Unrestricted access to snacks, water, bathroom
- Classroom blood glucose monitoring
- No penalties for diabetes-related excused absence

School systems are required to accommodate disabled students so they receive the same educational opportunities and experiences as their nondisabled peers. Children with diabetes cannot be excluded from school activities and trips. If a child's 504 Plan requires accommodations such as nursing support, that accommodation must be provided for every trip and activity.

Connecticut law requires schools to allow students with diabetes the opportunity to check their own blood glucose levels in school if the student's physician and parent have given written permission. The school cannot limit the time and/or location the student can conduct the test. School employees can be trained to administer glucagon.

How does a child with diabetes become eligible to receive services under Section 504?

1. School system convenes a "504 Team" meeting to assess eligibility. The Team consists of persons knowledgeable about the child and his/her disability (parents, teachers, social workers, medical professionals)
2. Team reviews documentation of medical condition
3. Team develops accommodations

What is the difference between special education services and services under Section 504?

The Individuals with Disability Education Act (IDEA) is the special education law.

Children needing special education services under IDEA usually have limitations around learning. Special education laws require that children receive individualized learning plans and related services if necessary.

If the child who needs special education services has another disability requiring an accommodation, that accommodation would be included in his/her special education plan. A child who is classified under special education laws does not need a separate 504 Plan.

For more information on Special Education services, please see our Guide, "Understanding Special Education."

In post secondary education, are students with diabetes protected by Section 504 of the ADA?

Most post-secondary educational institutions must provide Section 504 accommodations to students with disabilities. Accessing these accommodations is very different than it is at the elementary or secondary school level.

For post-secondary education, differences from elementary or secondary school level include:

- No requirement that post-secondary schools identify the disabled student's need
- Student or family must seek accommodation
- No requirement that the substance of the academic programming be modified

For more information on post-secondary education, please see our Guide, "Access and Accommodations in College/Post Secondary Programs."



Medical-Legal Partnership Project
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