



## Section 504 Protections for Students with Diabetes

Section 504 of the Rehabilitation Act of 1973 is a Federal civil rights law that protects students from disability-based discrimination in schools (including preschools, K-12 schools, colleges, universities, and other postsecondary institutions) that receive Federal financial assistance.

Under Section 504, a student with diabetes can be a student with a disability for purposes of Section 504 if the student's diabetes substantially limits one or more of the student's major life activities. [34 C.F.R. § 104.3\(i\)\(1\)\(i\)](#).

### ***What is diabetes?***

According to the [National Institutes of Health](#), diabetes is a disease where someone has too much glucose (or sugar) in their blood. A person without diabetes has sugar in their bloodstream, but their body is able to maintain the amount in a narrow range. When the amount of sugar in the bloodstream goes outside of that range, as it does in a person with diabetes, the person will experience a wide array of symptoms. In general, eating food and drinking sugary beverages raises blood sugar, while taking insulin or other medications lowers blood sugar. Other activities can also affect a person's blood sugar—for example, exercising lowers blood sugar, and being sick or stressed can raise blood sugar.

The Office for Civil Rights (OCR) enforces Section 504 against entities that receive Federal financial assistance from the Department of Education.

In addition to the rights and obligations discussed in this fact sheet, a child with a disability attending a public K-12 school may have additional rights under Section 504 (such as the right to a free appropriate public education ([34 C.F.R. § 104.33](#))) and the Individuals with Disabilities Education Act. Parents also may have additional rights under those statutes and their implementing regulations.

OCR also shares in the enforcement of Title II of the Americans with Disabilities Act (ADA) with the Department of Justice (DOJ), and DOJ enforces Title III of the ADA. Both Title II and Title III can also apply to schools. For information, see DOJ's ADA home page at [www.ada.gov](http://www.ada.gov) or contact DOJ at 1-800-514-0301, 1-833-610-1264 (TTY).

### ***Can a student with diabetes have a disability under Section 504?***

Yes. A student with diabetes has a disability if their diabetes substantially limits one or more of their major life activities.

According to the Department of Justice, diabetes will, in virtually all cases, substantially limit the operation of the endocrine system, [28 C.F.R. § 35.108\(d\)\(2\)\(iii\)\(H\)](#), which is a major bodily function and therefore a major life activity under Section 504. [29 U.S.C. § 705\(20\)\(B\)](#) (incorporating [42 U.S.C. § 12102\(2\)\(B\)](#)). Diabetes can also affect an individual's eating and can affect an individual's caring for oneself, thinking, communicating, concentrating, and reading, which are also major life activities under Section 504. [29 U.S.C. § 705\(20\)\(B\)](#) (incorporating [42 U.S.C. § 12102\(2\)\(A\)](#)). Whether a student has diabetes can be established by medical tests (such as an A1C test, fasting blood sugar test, random blood sugar test, autoantibody test, or glucose tolerance test). A school may always accept that a student has a disability without any documentation or medical tests.

Under Section 504, the issue of whether an impairment substantially limits a major life activity should not demand extensive analysis. 29 U.S.C. § 705(20)(B) (incorporating 42 U.S.C. § 12102(4)(B), which incorporates § 2(b)(5) of the findings and purposes of the ADA Amendments Act of 2008).

The term substantially limits must be construed broadly in favor of expansive coverage, to the maximum extent permitted by the statutory language. 29 U.S.C. § 705(20)(B) (incorporating 42 U.S.C. § 12102(4)(A)).

An impairment does not need to prevent, or significantly or severely restrict, an individual from performing a major life activity in order to be considered substantially limiting. It is enough that an impairment substantially limits the ability of an individual to perform a major life activity as compared to most people in the general population. Additionally, an impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active. 29 U.S.C. § 705(20)(B) (incorporating 42 U.S.C. § 12102(4)(B), which incorporates § 2(a)(7)-(8), (b)(5)-(6) of the findings and purposes of the ADA Amendments Act of 2008, and § 12102(4)(D)).

The beneficial effects of mitigating measures, such as medication, used by an individual, must be disregarded in determining whether an impairment substantially limits a major life activity of an individual. 29 U.S.C. § 705(20)(B) (incorporating 42 U.S.C. § 12102(4)(E)).

### ***How can diabetes affect a student's experience in school?***

Students with diabetes may:

- be absent from school due to medical appointments;
- act irritable, angry, stubborn, or confused when their blood sugar is low;
- feel lethargic or have difficulty concentrating when their blood sugar is high;
- experience increased thirst and urination when their blood sugar is high;
- have an ongoing sense of fear or stress about the possibility of low blood sugar, which can be life threatening; and/or
- need to take medication, such as insulin, or eat or drink during classroom instruction.

## ***What might a school need to do to address a student's diabetes?***

If the student's diabetes has resulted in the student having a disability under Section 504, that student may require certain modifications (sometimes referred to as accommodations) to meaningfully access or benefit from the school's educational opportunities. [34 C.F.R. §§ 104.4, 104.44](#). This is true even if the student is not substantially limited in the major life activity of learning.

Section 504 may require a school to provide modifications such as:

- allowing the student to eat a snack or a source of fast-acting sugar (such as candy) during instruction, or—in an elementary or secondary school setting—go to lunch early or late;
- allowing the student who is capable of doing so to carry the emergency medication glucagon and carry and self-administer other medications, such as insulin; for students in an elementary or secondary school setting, ensuring school staff are trained on how to assist with diabetes care, such as by administering glucagon and checking blood sugar, and for students who are not capable of carrying glucagon, storing the glucagon in a quickly accessible place;
- allowing the student to reschedule an exam if their blood sugar is high, and pause the clock if they experience low blood sugar during an exam;
- allowing the student to make up work, without penalty, and excusing late arrivals and absences when they miss class due to a medical appointment or when high or low blood sugar hinders a student's ability to complete their work; and/or
- allowing the student to leave class to use the restroom as needed.

This fact sheet does not comprehensively address the assistance with diabetes management a school may be required to provide. In the elementary and secondary setting, students with diabetes may also require some additional level of assistance with managing their condition. This could range from assistance only in an emergency to a trained school staff member performing all diabetes management tasks.

Furthermore, even if a student with diabetes has a disability but does not need modifications, they would still be protected from discrimination, such as disability-based harassment. For example, Section 504 may require a school to respond to bullying or harassment targeted at students because of their medical condition, or because they are regarded as or have a record of having a disability. [34 C.F.R. § 104.3\(j\)\(1\)\(ii\) & \(iii\)](#). Such bullying or harassment, for example, could be related to a student's frequent trips to the restroom or eating a different snack than the rest of the class.

## ***What remedies might a school need to provide if the school does not appropriately address a student's diabetes?***

If a school violates the Section 504 rights of a student with diabetes, the school may be required to, among other things:

- offer the student an opportunity to re-take classes, tests, or assignments with appropriate modifications if needed, and without penalty or negative consequence to the student;
- excuse absences incurred due to diabetes and correct student records regarding unexcused absences; and/or
- train faculty and staff on how diabetes may manifest; on students' diabetes management plans; on addressing peer-to-peer bullying and harassment; and on how living with diabetes may impact a student physically, psychologically, socially, and academically.

## ***What can be done if a student or parent believes a school is not meeting its obligations under Section 504?***

- Section 504 requires schools to develop and implement a system of policies and procedures to address concerns and disagreements that may develop between schools and students. [34 C.F.R. §§ 104.7, 104.36](#). Parents and students may choose to initiate proceedings in keeping with these policies and procedures.
- Students, parents, or others who would like to request technical assistance from the Office for Civil Rights (OCR), or who would like to file a complaint, may do so by contacting the [OCR enforcement office that serves their State](#).

For more information on disability-related issues, please visit OCR's [Disability Discrimination](#) webpage.

To request language access services or resources, which may include oral technical assistance or written translation of Department information, free of charge, contact [OCR@ed.gov](mailto:OCR@ed.gov).

If you need more information about interpretation or translation services, call 1-800-USA-LEARN (1-800-872-5327) (TTY: 1-800-877-8339). To request documents in alternate formats such as Braille or large print, contact the Department at 202-260-0818 or [ofe@ed.gov](mailto:ofe@ed.gov).

*This fact sheet does not have the force and effect of law and is not meant to be binding, beyond what is required by statutory and regulatory requirements. All enforcement determinations made by OCR are based on the particular factual circumstances presented in each individual case.*