

## **Fact Sheet: The Legal Rights of Students with Diabetes on Field Trips and in Extracurricular Activities**

In today's world, students are busy! Education no longer takes place in a single classroom. Schools take field trips to historic sites, museums, and nature centers. Class groups attend plays, concerts, and sports competitions off school grounds. Some school groups take overnight trips and weeklong camping trips. Many students take part in band, choir, student council, sports, and drama activities that meet before or after the regular school day. In addition, school days are longer than ever. Students may also be involved in before and after care programs or tutoring programs at school.

This fact sheet is designed to help parents and guardians make sure that students with diabetes have a chance to fully and safely participate in all school activities—including field trips and extracurricular activities. It also explains how to get help if students are not getting fair treatment.

### **How can I plan for school field trips and extracurricular activities?**

#### **1. My child wants to take part in class field trips and extracurricular activities. How can I prepare?**

Class trips usually require students to travel off of school grounds. Many student activities—including sports—take place outside of regular school hours. With careful planning, creative thinking, and a few small adjustments, students with diabetes can be fully included in all school events and activities. The following steps may help:

- **Send supplies:** Some students may store supplies at school, or keep them inside the nurse's office during the school day. But students need access to diabetes care equipment at all times. Students should be allowed to carry or store their supplies in a safe, but easy-to-access place during field trips and extracurricular activities.
- **Request staff training:** Many students need assistance with diabetes care tasks. For example, some students may need help testing their blood glucose, or administering insulin. They also need somebody trained in emergency glucagon administration onsite at all times. Work with school officials to be certain that there is a trained staff member, chaperone, or coach available to help students with diabetes care during all field trips and extracurricular activities.
- **Adjust schedules:** Field trips and extracurricular activities can mean a change in schedule or a change in activity level for students. For example, on a class trip, lunch might be scheduled at a different time than it usually is during the school day. A student might also use more energy while on a camping trip than while sitting at a desk. These changes can affect when insulin should be given and how much should be given. Make sure you plan ahead! Talk with your child's doctor or health care provider about any adjustments that are needed to his or her diabetes care during field trips or extracurricular activities.
- **Ask about essential issues:** Students with diabetes need regular access to food, water, and the restroom. Before any class trip or activity, remind the teacher or event organizer that your child will need snacks and a water bottle, and should know where the closest bathroom is at all times.

## What are my child’s legal rights?

### 2. Are there laws that protect my son or daughter during field trips and extracurricular activities?

Yes. There are two federal laws that protect students with disabilities—including diabetes—from discrimination. These two laws help make sure that students with diabetes get the care they need, receive fair treatment, and are given the chance to take part in field trips and extracurricular activities. State laws may provide additional protections.

[Section 504 of the Rehabilitation Act of 1973](#)<sup>1</sup>, 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 all school activities—including field trips and extracurricular activities. Under Section 504, diabetes is a disability so every child with diabetes is protected against unfair treatment. 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 that helps regulate bodily functions**, 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.** Religious schools that receive federal funding must comply with Section 504.<sup>2</sup>

[The Americans with Disabilities Act](#)<sup>3</sup> (ADA) prohibits most schools from discriminating against children with diabetes. However, religious schools aren’t included under this law. Otherwise, the covered disabilities are usually the same and the protections for children are similar as for Section 504.

In addition to federal laws, many state laws provide additional protections. Contact the ADA at 1-800-DIABETES to learn more about the laws in your state or visit our website at [www.diabetes.org/safeatschool](http://www.diabetes.org/safeatschool).

### 3. Can my child be left home from a field trip because he or she has diabetes?

No. Section 504 applies to **all** school activities. This includes class trips, field trips, sports, drama, band, student council, school dances, after-school programs, field days, recreational events, and school carnivals. The law protects children from unfair treatment in all activities and makes sure that students with disabilities—including diabetes—have the opportunity to take part in them.

### 4. Can the school make me attend field trips in order for my child to attend?

No. If the school is inviting parents to chaperone a field trip, it is welcome to invite you as well. If you would like to chaperone your child’s field trip and take part in the fun, then you are certainly allowed to do that. However, the school cannot require you to come in order for your child to participate. It is the school’s responsibility to provide your child with appropriate care on a field trip just like it is the school’s responsibility to provide your child with care during the school day. The school cannot exclude your child from a field trip because you are unable to attend.

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<sup>1</sup> <http://www.diabetes.org/504plan>.

<sup>2</sup> See the Association’s fact sheet “The Rights of Students with Diabetes at Religious Schools” for more information.

<sup>3</sup> <http://www.diabetes.org/living-with-diabetes/parents-and-kids/diabetes-care-at-school/legal-protections/americans-with-disabilities.html>.

**5. Is my child permitted to attend overnight or weeklong class trips?**

Yes. Section 504 covers class trips, even if they require an overnight stay. It is the school's responsibility to make sure your child has access to the care he or she needs on these trips. You cannot be required to attend.

**6. Can the school prohibit my child from participating in sports because he or she has diabetes?**

No. Section 504 applies to interscholastic and intramural athletics. The school cannot exclude your child because he or she has diabetes. People with diabetes play virtually all sports at all levels, from Little League to the Major Leagues, from junior varsity to Olympic swimming.

**7. Is the school required to provide my child with care at sports, drama, art, music, or other activities that take place before or after school?**

Yes. It is the school's responsibility to provide your child with care during extracurricular activities. This includes, for example, assistance with insulin administration and blood glucose checks if your child needs help with those activities. It means that students should have access to their diabetes care supplies and permission to check blood glucose, eat, drink water, and use the restroom whenever necessary. It means that someone trained in emergency glucagon should be available during before school and after school activities if your child is participating in that activity.

**8. Can my child attend the school after-care program?**

Yes. If the school runs the after-care program, then the after-care program is covered by Section 504. Children must be allowed to participate in the program and the school is required to provide children with necessary care.

If the after-school program is run by an outside agency—like the YMCA—but takes place on school grounds, the school must make sure that children with diabetes are treated fairly. This is because Section 504 does not allow schools to provide “significant assistance” to programs that discriminate against children with disabilities.

The outside agency running the program is itself covered by Section 504 if it receives federal funding. It is also independently covered by the Americans with Disabilities Act, another law that protects students with diabetes from unfair treatment (unless it is a religious agency).

**9. Should I write field trip and extracurricular accommodations into my child's 504 plan?**

Yes. Including extracurricular activities and field trips in a 504 plan helps establish what types of assistance and accommodations a student will need during these activities. It allows parents or guardians, students, and the school to discuss the issues and have a clear plan of how to approach these activities.

## **How Can I Resolve Challenges?**

**10. How should I begin the process of getting the right care in place for my student during field trips and extracurricular activities?**

- **Contact the school administration:** Explain what your child needs and request that the school provide your child with the care and support he or she needs.
- **Provide the school with information about diabetes:** Share educational and training materials with the school. Help the school to understand your child's individual needs and offer to work with the school to achieve a solution.
- **Keep talking with the school:** Once the school understands your child's needs, be ready to work together on identifying options that will make sure your child is allowed to participate in all school activities.

## 11. What steps should I take if my child is not getting fair treatment?

- **Educate:** Explain to staff what diabetes is and how it affects your child. Be prepared to provide information to prevent problems and also when problems arise. You can do this through writing the written plan, or through staff training. **The Association has many resources to help.**
- **Negotiate:** Try to listen to school staff concerns, and clearly communicate yours. Make sure you know about and participate in all meetings about your child's diabetes. Even after you have a plan in place, you still may need to educate and work with school staff to make sure your child's needs are being met. **It is easier if everyone can work out an agreement.**
- **Litigate:** If your child continues to be discriminated against, **you have the right to file a complaint or lawsuit.** The process is different for each law and you may need an attorney.
- **Legislate:** If the laws are not protecting children with diabetes, the laws might have to change. **Contact us if you think this is necessary.**

## 12. How can I get help if my child is experiencing discrimination?

**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. They will help you understand the law and your rights. A legal advocate will provide strategies for you to stand up for your rights, give you tools to use to advocate for yourself, help you negotiate an agreement, guide you through the legal process, or, if necessary, help you find a lawyer for your case.

Many free resources are available in a packet that you can receive by calling 1-800-DIABETES (342-2383). Additional resources are available 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.**



[www.diabetes.org/safeatschool](http://www.diabetes.org/safeatschool)