

Diabetes and Section 504 Eligibility for 504 Coordinators

Are students with diabetes eligible for services under section 504?

Yes. Students with diabetes have disabilities as defined by Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act. The law defines disability as a substantial limitation on a major life activity. Students with diabetes can be substantially limited in the major life activities of eating, caring for oneself, thinking, communicating, and learning. All students with diabetes are substantially limited in the major bodily function of the endocrine system.

Does a student with diabetes still have a disability if he/she uses insulin?

Yes. Insulin controls the level of glucose in the blood, but it does not cure the defect in the endocrine system that has caused diabetes. The use of insulin is a factor that may not be considered when determining whether a student has a disability.

How does the Americans with Disabilities Act Amendments Act impact students with diabetes?

The Americans with Disabilities Act Amendments Act (ADAAA) was intended to address problems with the definition of disability that had mainly arisen in employment. But it also affects students with diabetes because it makes it even easier to prove that diabetes is a disability. The ADAAA amended the law in a number of ways, and the changes also apply to the Rehabilitation Act. Most notably for students with diabetes, ADAAA requires that when determining eligibility under section 504, a school may not consider the use of medication (such as insulin) when determining whether a student is substantially limited in a major life activity. The ADAAA also expanded the list of major life activities to include major bodily functions – including the functioning of the endocrine system – as major life activities.

Do schools need to do anything differently for students with diabetes because of the ADAAA?

Schools should not see much difference in eligibility determinations for students with diabetes as a result of the ADAAA. One reason for this is that the Office for Civil Rights at the U.S. Department of Education has long taken the position that “mitigating measures” such as insulin could not be considered when determining whether a student has a disability. As a result, students with diabetes historically have had few problems showing they were covered by section 504. The ADAAA makes it even easier to establish eligibility.

Is a student with diabetes still eligible for services under section 504 if he/she is academically performing and has no trouble learning?

Yes. Unlike the Individuals with Disabilities in Education Act (IDEA), which considers whether a student’s disability makes it difficult for them to learn, section 504 is a broad civil rights law applying to all recipients of federal financial funding (including public schools) and eligibility does not require that a student have trouble learning. As discussed above, students with diabetes are eligible under section 504 because they are substantially limited in several major life activities and the major bodily function of the endocrine system.