11. What Academic Modifications Should Be Provided?

Supplementary aids, services and modifications to the school’s academic program may be required in order to allow students with diabetes to participate in the regular educational environment. For example, students may need to take additional breaks during standardized tests or may need to have diabetes-related absences excused. These accommodations should also be documented in a Section 504 Plan or other written education plan.

11.1 Under Section 504 and the Americans with Disabilities Act, what obligation does a school have to provide supplementary aids and services to students with diabetes in the academic program?

Schools may not discriminate against students with disabilities in academic programs and therefore must provide academic accommodations to students who need them because of diabetes.

Notes

Section 504 regulations require that school “place a handicapped person in the regular educational environment operated by the recipient unless it is demonstrated by the recipient that the education of the person in the regular environment with the use of supplementary aids and services cannot be achieved satisfactorily.” 34 C.F.R. § 104.34(a). This requires that supplementary aids and services be allowed to students with diabetes.

11.2 Should schools allow alternate times for academic tests and exams if blood glucose levels are significantly out of target range?

Yes. Students who experience high or low blood glucose levels at school should not be penalized academically because of the incident. These students should not be required to take tests when their academic performance would be significantly impaired because of diabetes-related problems. If it is clear that a student is significantly out of his or her target range, the student should be allowed an alternate time to take academic tests or exams just as a student would in case of illness.

Notes

It is important for educators to recognize that both hyperglycemia and hypoglycemia affect cognitive performance. Studies confirm this although the impact is often individualized and varied. See, e.g., Cox DJ, Kovatchev BP, Gonder-Frederick LA, Summers KH, McCall A, Grimm KJ, Clarke WL: Relationships Between Hyperglycemia and Cognitive Performance Among Adults With Type 1 and Type 2 Diabetes, Diabetes Care 28: 71-77 (2005) (and articles cited therein). A student’s deviation from a usual standard of work should alert teachers that performance may well be impacted. An academic test given to a student
experiencing severe hyperglycemia or hypoglycemia will not reflect the student’s true knowledge level.

11.3 Should students have access to diabetes supplies, snacks, water, and the restroom, during the administration of standardized or other tests?

Yes. Students should have access to supplies, snacks, water, and the restroom if necessary to treat the student’s diabetes throughout the school day, including during academic or standardized tests. See Questions 8.15, 9.8.

11.4 Are students with diabetes entitled to extra time to complete standardized or similar tests?

If required to afford equal opportunity, elementary and secondary school students with disabilities may be entitled to extra time to complete standardized or similar tests. While most students with diabetes will not need additional time to take these tests, some students may need to take extra breaks during the test to treat symptoms of hypoglycemia or perform other diabetes care tasks and will need to have their test times adjusted to cover these breaks. Where modifications may be required, it is important to make this request in writing in advance. Such a request must be made to the testing agency or school, as appropriate.

Notes

Students are required to take a variety of standardized or similar tests. These include state standardized tests and, for college-bound students, the SAT and ACT. They also may include minimum competency tests, sometimes referred to as “high stakes” exams.

Where accommodations are required on standardized or similar tests, they should be requested in advance. Information may be obtained about accommodations on the web sites for the SAT (http://www.collegeboard.com) and the ACT (http://www.act.org/aap). School officials should be consulted regarding accommodations on state or school required tests.

Most students with diabetes will not require additional time to work on a test solely due to diabetes. However, one accommodation often requested by students is for an adjustment in the time to take a test to compensate for breaks needed to manage diabetes. This adjustment does not increase the overall time a student has to work on the test, but can provide additional breaks if needed to perform diabetes care tasks. According to the SAT standards:

This accommodation is recommended for students who have attention, concentration or distractibility problems need medication, snacks for health reasons such as diabetes, etc. These breaks which may take 5-10 minutes are not counted as part of the testing time and are offered between test sections. However, the students are not allowed to break anytime while completing a test section. They can only take the break after a test section and before moving on to the next one. They cannot go back to the previous test section as well. During break time, the timing stops and resumes when the students are ready to take the test again.
11.5 Are teachers required to provide students with instruction missed due to absence to care for diabetes or an illness that is exacerbated because of diabetes?

Students who miss school because of diabetes should not be penalized academically for these absences. These students should be provided assistance in making up assignments, including tutoring. Such accommodations, if needed, should be specified in the student’s written accommodations plan. At a minimum, students with diabetes should be provided the same level of assistance as is provided as a matter of policy or practice to non-disabled students who are ill.

11.6 May a student with diabetes be subject to academic or other penalties for an absence or tardiness related to diabetes care needs?

Students with diabetes may not be penalized educationally for absences required for medical appointments or because of illness. In some circumstances, students may be excluded from participation in extracurricular activities due to diabetes-related absences, pursuant to an attendance policy that applies to all students.

Notes

Diabetes may result in a student being absent or tardy. Where due to a student’s diabetes, the absence or tardiness should be excused. The student or the student’s parent or guardian may be required to confirm that the reason for the absence or tardiness was diabetes. **Fayette County (GA) School Dist.**, Complaint No. 04-05-1037, 44 IDELR 221 (OCR 2005) (district was not required to automatically excuse absences related to diabetes care; district agreed to evaluate each absence individually and to excuse those for which a doctor's note was provided, and OCR found this policy to be reasonable); **Prince George’s County (MD) Schs.**, Complaint No. 03991098, 33 IDELR 70 (OCR 1999) (commitment to resolve complaint included obligation to mark student “tardy excused” if tardiness was result of diabetes and written note from parents stating the reason for the tardiness is provided school); **Loudoun County (VA) Pub. Schs.**, Complaint Nos. 11-99-1003, 11-99-1064, 11-99-1069 (OCR 1999) (providing that accommodation plans would, where appropriate, permit a student to “miss school without consequences for appointments to monitor the student’s diabetes management.”) While diabetes-related absences should be excused, OCR has held that students may be penalized based on facially neutral attendance policies governing participation in extracurricular activities. **Houghton Lake (MI) Community Schs.**, Complaint No. 15-05-1050, 45 IDELR 199 (OCR 2005) (student could be excluded from playing in basketball game because he missed school that day due to a doctor’s appointment).

11.7 Where a student with diabetes has received appropriate academic accommodations, may the school take measures with respect to the student for academic deficiencies as would be applied to other students?

Students with diabetes are entitled to academic accommodations. Where appropriate accommodations are provided, academic measures and sanctions may be imposed upon such
students as would be applied to any other student. So long as accommodations are provided, students with diabetes can be required to meet the same academic standards and requirements as non-disabled students.

Notes

If a student with diabetes fails to satisfactorily perform in school the student may be denied promotion. In one example, Hernando (FL) County Sch., Complaint No. 04-98-1412, 31 IDELR 89 (OCR 1999), a student who had diabetes was held back in sixth grade after failing five classes and receiving grades of “C” and “D” in two other classes. The student was intellectually within the average range, but had some processing weaknesses and exhibited behaviors that affected learning. The student also had 36 unexcused absences, apparently failed to turn in homework assignments, and did not have his student planner signed by a parent. Although school officials had considered holding the student back previously, they acceded to parental insistence that he be promoted. A Section 504 accommodation plan was not challenged as being inadequate. The plan included adjustments in the arrangement of the classroom, assignments, and responses to positively re-enforce student behavior, presentation of lessons, personal organization skills, and test-taking skills. The plan also allowed for make-up work after prolonged absences. A discrimination claim made after the school declined to promote him was rejected. According to the Office of Civil Rights, the school properly declined to promote the student based on the failure of the student to master the subject matter. It concluded that the student was not hampered by a failure of the school to accommodate his needs.

11.8 Must the requirements for academic honors or other recognition programs be modified to take into account a student’s diabetes?

Many schools recognize academic excellence through awards, honor societies or other means. While students may be excused from certain recognition requirements that are impacted by their diabetes (e.g., attendance requirements), these students must meet the other requirements of these programs that are not impacted by diabetes.

Notes

Schools may not discriminate against persons with disabilities in the application of criteria for honors or other recognition programs. See Hornstine v. Moorestown Board of Educ., 263 F. Supp. 2d 887 (D. N.J. 2003) (restraining order granted against school district preventing it from changing policies on determining who would be valedictorian when policies were clearly designed to prevent student with chronic fatigue syndrome from becoming valedictorian because of unfounded concerns about the fairness of her grades). However, students with disabilities must meet the academic and other requirements of these programs unless prevented from doing so by their disability. For example, in one case a student with diabetes was denied admission to the National Honor Society and claimed that her rejection was because of disability-related absences. The school waived the NHS’s school attendance requirement because of the student’s disability, but found that she had not met the requirement for participation in an extracurricular activity and that her lack of participation was not related to her disability. OCR therefore denied the complaint. Perry (OH) Public Sch. Dist., Complaint No. 15-03-1148, 41 IDELR 72 (OCR 2003).