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**Dogs4Diabetics**

**Guidance for Parents of Diabetic Students:**

**How to Request an Accommodation from Your Child’s School**

**Introduction:** This document is intended to provide guidance to parents of Dogs4Diabetics’ (D4D) student clients who want to request that their children be allowed to use their trained diabetic-alert dogs at school. This document also provides suggestions for how students and their parents can support their request for an accommodation and what steps they can take in the event that their request is denied. The objective of this guidance is to ensure that the students and their parents properly present their request and include all of the appropriate information needed for the school to approve the accommodation.

D4D is providing this information as a courtesy to its clients and for general information only. This information should not be construed to be formal legal advice. Clients

should seek advice from a lawyer for any specific questions or assistance in requesting

an accommodation from their school or in appealing a denial of such a request.

**Step 1: Do Your Homework**

1. **Determine what kind of school your child attends.** The kind of school that your child attends may impact your child’s legal rights and may inform and influence how you proceed with your request for an accommodation for your child. This is because different schools have different obligations under the relevant antidiscrimination laws.

For example, the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act (Section 504) both prohibit schools from discriminating against students with disabilities. The ADA applies to public schools and to private schools that are not operated by religious organizations. Section 504 applies to any schools that receive federal funds. Schools that are operated by religious organizations and that do

not receive federal funding are not covered by either law. Contract and/or tort law may provide some protection to students at such schools,

but these schools’ precise obligations to accommodate their students with disabilities are not as clear as with schools that are subject to the ADA

and Section 504.

2. **Determine to whom you should direct your request.** Your child’s school may have designated someone to coordinate the school’s efforts to comply with federal and state antidiscrimination laws. Make sure that

your requests are addressed to the appropriate parties, as you determine from the appropriate representative from your child’s school.

3. **Know and follow the school’s policies and procedures.** In making your request, you should follow the appropriate procedures that your child’s school may have in place. Find out what the school’s policies and procedures are for students who want to request an accommodation for their disability and obtain copies of any relevant written policies or handbooks.

4. **Know your rights.** As an individual with a disability, your child has certain legal rights. You will feel more confident and more comfortable in requesting an accommodation for your child’s diabetes if you are familiar with these rights. For an excellent, detailed summary of your child’s legal rights, read “Legal Rights of Students with Diabetes” (a publication of the American Diabetes Association, available at<http://www.diabetes.org/advocacy-and-> legalresources/attorneymaterials/legalrights.jsp).

**Step 2: Prepare Your Written Request to Your Child’s School for an**

**Accommodation for Your Child**

1. **Your request should be in writing.** Prepare your request for an accommodation for your child in writing. This written request can be part of a general request for implementation of your child’s Diabetes Medical Management Plan, which would encompass all of the accommodations that your child needs for his or her diabetes, or as a separate request specifically seeking permission for your child to use his or her

diabetic-alert dog at school.

2. **Keep records of everything.** You should keep records of all

information and documents that you provide to your child’s school, and of all information and documents that your child’s school provides to you.

You should also keep a record of the dates on which the information and

documents were provided, if the dates are not apparent on the documents

themselves. In addition to keeping copies of documents, you should also keep a record of any relevant oral communications.

3. **Key components of your written request.** It is important that your written request address the following issues:

 **You should indicate your child’s disability and describe the limitations caused by your child’s disability**: The condition can be stated as Type I, insulin-dependent diabetes, with the disabling condition of Hypoglycemia, exacerbated by severe Hypoglycemic Unawareness. You should explain the limitations caused by your child’s disability – and, in particular, your child’s need to vigilantly monitor blood glucose levels.

 **You should specifically explain how your child’s disability impacts the skills and abilities expected of your child as a student, including both life and academic skills and abilities**: You should describe your child’s disability, in your own words, and explain how it interferes with your child’s ability to perform life functions.

 **You should request access at school for your child’s diabetic-alert dog**: If your child’s school campus will require special accommodation for your child’s diabetic-alert dog, you should specifically address those needed accommodations. Be aware that some accommodations may need to be negotiated, and some requests may be denied if they are not reasonable. Whether a particular accommodation is reasonable is determined on a case- by-case basis.

 **You should explain the reason that your child needs the dog**: If your child suffers from frequent episodes of Hypoglycemia, your child’s education and safety may be impacted during the day by becoming symptomatic, requiring frequent testing and

treatment. The dog provides a pre-symptomatic warning of the onset of Hypoglycemia, allowing treatment prior to the onset of

disabling symptoms. If your child has suffered severe episodes at

school or around school hours, you may want to discuss those situations.

 **You should explain that your child and the dog are fully trained to work together**: Explain the training that your child and his or her diabetic-alert dog have gone through, and that the dog is trained as a service dog. Additionally, upon your request,

the dog’s skill and our accreditation to train dogs for this work.

 **You should acknowledge your responsibilities and your child’s responsibilities to maintain control and care for your child’s dog at school**: You should explain to your child’s school that you and your child understand that the handling and care of your child’s diabetic-alert dog is your child’s responsibility.

You should also ask your child’s school for approval of any school- related accommodations needed to facilitate the use and care of your child’s dog at school. This could include allowing your child to have water available for the dog, food or treats available, breaks if necessary, and a designated area to periodically relieve the dog, etc.

 **You should offer to participate in any needed evaluation or meeting to discuss the requested accommodation**: Indicate your willingness to discuss your requested accommodation and to work with your child’s school to reach an agreement regarding the accommodation of your child’s disability. Request your child’s school’s ideas regarding how to accommodate your child’s diabetic- alert dog.

 **You should provide medical documentation of your child’s disability, including a letter from your child’s physician supporting the requested accommodation**: Provide medical documentation confirming your child’s diagnosis of type 1, insulin- dependent diabetes. Include a copy of the Diabetes Medical Management Plan or Section 504 plan developed for your child, if applicable. Also include a letter from your child’s doctor supporting your request that your child be allowed to use his or her medical- alert dog at school (see **Step 3** below for tips on getting a letter from your child’s doctor).

 **You should thank your child’s school in advance for considering your request**: This request process may become somewhat drawn out based on your child’s school’s experience and knowledge of accommodations for students with disabilities, generally, and medical-alert dogs and Type I diabetes, specifically. Keeping the request on a positive note is appropriate. If further information is needed, it is best to keep it on an educational or informational basis.

Your child’s school may need to send the request to certain school officials before it can be approved. Obtain the names, addresses, and contact information of the individuals and/or committees that will be considering your request, as this information may be needed if future requests or communications become necessary. In the event that your request is denied, this will also enable you to appeal directly to the parties responsible for the decision.

**Step 3: Get a Letter From Your Child’s Doctor Supporting Your Requested**

**Accommodation**

1. **Ask your child’s doctor for a letter supporting your accommodation request to your child’s school.** Do not have your child’s school initiate contact with your child’s doctor. You should request

a letter from your child’s doctor, indicating your child’s condition as a Type I, insulin-dependent diabetic AND supporting your child’s requested accommodation of being allowed to use a diabetic-alert dog at school.

2. **Key components of the doctor’s letter.** It is important that the

Doctor’s letter include the following:

 **It should identify and describe your child’s disability**: In addition to indicating your child’s condition as a Type I, insulin- dependent diabetic, the doctor’s letter should also explain that as a result of your child’s insulin treatment, your child suffers from episodes of Hypoglycemia. If these episodes are frequent, the doctor’s letter should describe the frequency. The letter should

also explain the condition of Hypoglycemic Unawareness, and indicate how it affects your child (degree may be important, i.e.,

“profound or severe hypoglycemic unawareness”).

 **It should describe how your child’s disability interferes with his or her education and ability to perform life functions**: The doctor’s letter should specifically describe how

your child’s Type I diabetes interferes with his or her education and ability to perform life functions. In particular, the letter should, to

the extent possible, describe how your child’s Type I diabetes

impacts your child’s ability to perform daily functions, and in particular, functions relating to your child’s education.

 **It should explain the specific accommodation sought**: The doctor’s letter should define and support your child’s requested accommodation of being able to use his or her diabetic-alert dog at school. This should include an explanation of why the diabetic- alert dog is an important and necessary accommodation, and why there is no adequate alternative to this accommodation.

3. **Keep a Copy of the Doctor’s Letter.** Make sure that you receive a copy of the doctor’s letter for your records.

**Step 4: Request A Letter From D4D Supporting Your Requested**

**Accommodation for Your Child**

D4D has prepared a standardized letter that we can address and mail to the appropriate parties upon your request.

You will need to provide us with the names and addresses of the individuals to whom we should send our letter.

We can modify the letter to address any unique conditions that may be appropriate in your child’s specific situation. Please let us know of any of those issues.

**Step 5: Participate In Your Child’s School’s Decision Regarding Your**

**Requested Accommodation for Your Child**

Be available to meet with your child’s school to discuss your child’s needs and requested accommodations.

Consider and discuss the school’s accommodation ideas and provide the school with your own ideas regarding how best to accommodate your child and his or her diabetic-alert dog at school.

Educate your child’s school regarding diabetes and how the school can ensure a safe environment for your child. The American Diabetes Association has many publications available on its website that are geared towards teaching teachers and school administrators about diabetes, its impact on students, and what schools can and should be doing to ensure that students with diabetes are safe and are receiving the education they deserve.

Follow up with your child’s school regarding the status of your request, as appropriate, and work with your child’s school to reach an agreement regarding the accommodation of your child’s diabetes.

**Step 6: Options If Your Request Is Denied**

1. **A denial is not the end of the process.** Some schools may deny the requested accommodation based on their lack of understanding of the law and applicable regulations; their perceptions of their power to direct your decisions on how your child will or will not need his or her dog to assist in his or her health care; or their lack of understanding regarding the

severity of your child’s medical condition and/or the importance of his or her dog to the effective management of his or her condition.

2. **Request that any denial be explained in writing.** If your child’s school denies your request orally, you should request that the school provide you with a written explanation for the denial. Any denial letter should be carefully studied to determine its reasoning and to identify any potential elements for appeal.

3. **Request reconsideration of any denial.** Unless there are significant and substantial hardships disclosed by the denial letter, you should make a second effort and request that your child’s school reconsider any denial as a matter of normal process. If your request was denied on the

grounds that your child’s school believes that his or her dog’s presence on campus would be an undue hardship, consider asking for a brief trial period (e.g., 2 weeks) so your child can demonstrate to the school that

the dog will not interfere with the education of your child or that of other students.

4. **Submit your request for reconsideration in writing.** You should submit any request for reconsideration in writing. Your written request for reconsideration should lay out the reasons that your child’s school should reconsider the denial of your requested accommodation. It is also important for your written request to address and rebut the specific concerns raised by your child’s school in its denial letter.

5. **Legal Option – Retain a lawyer to negotiate with your child’s school.** If you are having difficulty reaching an agreement with your child’s school regarding your requested accommodation for your child, you may wish to hire an attorney to negotiate with the school on your child’s behalf. This option may help you to obtain your child’s needed

accommodation without having to resort to filing a charge of discrimination or a lawsuit, as described below.

6. **Legal Option – Informal internal school or district grievance procedures.** Many schools and school districts have informal grievance procedures for resolving complaints regarding accommodations for students with disabilities. This process may include an option for mediation, where the parties can attempt to negotiate a resolution of their dispute with the help of a third-party neutral.

7. **Legal Option – Request an impartial hearing, or “due process hearing,” regarding the denial of your request for an accommodation.** Schools subject to Section 504 of the Rehabilitation Act are required to have an impartial hearing procedure available to students who are dissatisfied with the school’s decisions. Your school is

required to inform you of your hearing rights, and you should contact your school for additional information if you need it. The hearing will be

presided by a neutral individual who is not employed by (and does not

have a significant business relationship with) the school district or state education agency.

8. **Legal Option – Formal complaint to Local Educational Agency.**

Under the California Education Code and the California Code of Regulations, Local Educational Agencies (public school districts, county offices of education, and direct-funded charter schools) are required to adopt policies and procedures for resolving complaints – including complaints of disability discrimination. They are also required to annually notify you of the applicable complaint procedures. Contact your Local Educational Agency for additional information about how to make a formal complaint under these procedures. See also <http://www.cde.ca.gov/re/cp/uc/>for more information.

D4D will not be a party to any complaint you elect to make to an administrative agency. However, D4D is willing to provide input as to the purpose and capabilities of our dogs.

9. **Legal Option – Formal complaint to U.S Department of Education.**

If your child’s accommodation request is denied and you decide that a formal complaint is necessary, and if your child’s school is a public school

or a private school that receives federal financial assistance, you can file a charge of discrimination with the **U.S. Department of Education’s**

**Office for Civil Rights** (OCR). (See [http://www.ed.gov/about/offices/list/ocr/index.html](http://www.ed.gov/about/offices/list/ocr/index.html.%29).) You do not need an

attorney to file a charge of discrimination, but you nevertheless may wish to consult one before filing any charge.

If you wish to file a complaint with the OCR, you may do so by:

**Mail or Facsimile**: Complainants may mail or send by facsimile a letter or use the OCR’s Discrimination Complaint Form available from one of the OCR’s enforcement offices. The contact information for OCR’s California enforcement office is:

Office for Civil Rights/San Francisco

U.S. Department of Education

50 Beale Street, Suite 7200

San Francisco, CA 94105

Tel.: (415) 486-5555

Fax: (415) 486-5570

In your correspondence, please include:

• The complainant’s name, address and, if possible (although not required), a telephone number where the complainant may be reached during business hours;

• Information about the person(s) or class of persons injured by the alleged discriminatory act(s) (names of the injured person(s) are not required);

• The name and location of the institution that committed the alleged discriminatory act(s); and

• A description of the alleged discriminatory act(s) in sufficient detail to enable OCR to understand what occurred, when it occurred, and the basis for the alleged discrimination (race, color, national origin, sex, disability, age or the Boy Scouts of America Equal Access Act).

**E-mail**: Complainants may file a complaint, using the following e-mail address:

ocr@ed.gov. (Use the same procedures as above.)

**Online**: Complainants may file a complaint with OCR using OCR’s electronic complaint form at the following Web site: [http://www.ed.gov/about/offices/list/ocr/complaintintro.html.](http://www.ed.gov/about/offices/list/ocr/complaintintro.html)

For those without current e-mail accounts, Internet access may be freely available from your local public library, and free e-mail accounts are available from several large providers.

**NOTE** that if your child attends a private school that does not receive federal funding but qualifies a “public accommodation” under the ADA, you can file a complaint for violation of the ADA with the **U.S. Department of Justice**, which will investigate your complaint using a procedure similar to that of the OCR.

D4D will not be a party to any complaint you elect to make to an administrative agency. However, D4D is willing to provide input as to the purpose and capabilities of our dogs.

10. **Legal Option – Lawsuit.** The law allows for a student to bring a lawsuit against his or her school for disability discrimination. If you determine

that you would like to bring a lawsuit against your child’s school on behalf of your child, you should seek the advice and counsel of an attorney.

Note that if your child attends a private school operated by a religious organization that does not accept federal or state funding, this may be one of your primary legal options.

**NOTE** that filing a complaint of discrimination with the appropriate administrative agency may be a prerequisite to bringing a lawsuit.

**ALSO NOTE** that in addition to time limitations for bringing a complaint of discrimination with the Local Educational Agency, the U.S. Department of Education, or the U.S. Department of Justice, there are also time

limitations associated with bringing a lawsuit for disability discrimination.

D4D will not be a party to any lawsuit you elect to bring against your employer. However, D4D is willing to provide input as to the purpose and capabilities of our dogs.

**Helpful Resources**:

American Diabetes Association (www.diabetes.org; 1-800-DIABETES) California Dept. of Education ([http://www.cde.ca.gov/re/cp/uc/index.asp)](http://www.cde.ca.gov/re/cp/uc/index.asp%29)

U.S. Dept. of Education, Office for Civil Rights ([http://www.ed.gov/about/offices/list/ocr/index.html)](http://www.ed.gov/about/offices/list/ocr/index.html%29) Disability Rights Education and Defense Fund, Inc. (http://www.dredf.org)

National Dissemination Center for Children & Youth With Disabilities (http://www.nichcy.org)

National Disability Rights Network (http://www.napas.org)

Technical Assistance Alliance for Parent Centers (http://www.taalliance.org) Council of Parent Attorneys and Advocates (http://www.copaa.net) Department of Justice – ADA Homepage (http://www.ada.gov)

California Bar Association (http://www.calbar.ca.gov)

American Bar Association (http://www.abanet.org)