

## HOW TO REQUEST INITIAL ASSESSMENT UNDER IDEA AND/OR SECTION 504 IN ALL SUSPECTED AREAS OF DISABILITY FOR A CHILD WITH DIABETES

### PARENT STEP 1:

#### OBTAIN YOUR CHILD'S PHYSICIAN'S DIRECTIVE FOR HEALTH CARE

Parent of a child with diabetes needs to work closely with the child's doctor to:

- 1) document the diagnosis
- 2) develop a health care plan that must be carried out while the child is in school and is participating in school-related activities.

The health care plan should be comprehensive and individualized to the child. It should explain protocols, services, and emergency supports necessary to keep the child safe. It should outline the necessary specialized supports that must be provided so the child is able to benefit from his/her public education.

A sample form for this purpose, "**Diabetes Medical Management Plan (DMMP)**," is available: <http://diabetes.org/uedocuments/DMMP-finalformatted.pdf>

Your school district may have another form that it requires for this purpose. Your child's treating physician may prefer a different form.

### PARENT STEP 2:

#### WRITE AND SUBMIT A "REQUEST FOR ASSESSMENT" TO THE SCHOOL DISTRICT

Once a parent has obtained the treating physician's current directive for health care (above), a parent should submit to the school district, a "**Request for Assessment.**" This begins an evaluation process to determine if your child is an eligible for services and supports under federal laws.

The school district has an obligation under the "**Child Find**" requirements of two federal laws, the Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act (Section 504) to locate and evaluate children who have a disability, or are suspected of having a disability, and who may need special education and related services in order to receive a free appropriate public education (FAPE).

You can choose to request an assessment under one or both laws. **Two sample "Request for Assessment" letters follow** this document. One is a request for assessment under both IDEA and Section 504, and one is a request for assessment under Section 504 only. It is not necessary to pursue both assessments and it is not necessary to develop both types of plans. It is your right to choose whether to pursue IDEA eligibility and/or Section 504 eligibility. IDEA affords more procedural protections (such as specific timeframes and specific requirements that districts must comply with to provide written notice of decisions as discussed here) than does Section 504. Many parents choose to request IDEA eligibility due to its greater procedural protections, and when the child has other disabling conditions in addition to diabetes.

However, note that you do not have to wait for the outcome of the IDEA evaluation process to develop a "504 plan". The Section 504 process is often quicker and you can request a Section 504 plan meeting to be scheduled promptly, so that you can get all necessary services and supports into place without delay. Any service or support necessary to ensure FAPE can be secured via a 504 plan only for a child who is 504-eligible. See below and sample letter.

### **WHAT MIGHT THE SCHOOL DISTRICT DO NEXT?**

The school district must respond to your request for an IDEA assessment within 15 days of receiving it (unless school is not in session; summer vacation for example). No specific timeframes apply to requests for Section 504 assessments, but you are entitled to a response within a reasonable period of time. You should write your district and request a copy of the district's Section 504 policies and procedures for more specific information about the process. The school district may deny the request for IDEA assessment and/or Section 504 assessment, but **MUST** tell you, with relevant supporting data and **IN WRITING**, why they are denying your request. If they don't put it in writing, make sure you ask them to. Contact DREDF if you are the parent of a child with diabetes and are denied an IDEA assessment and/or Section 504 assessment.

If the school district grants your request for an IDEA assessment, under IDEA it must provide you with an "Assessment Plan," **IN WRITING**, also within 15 days of receiving your request. The parent has 15 days to review the Assessment Plan and consent (by signing), so that the assessments can proceed. A qualified team, assembled by the school district, should take into account your child's doctor's health care directive and evaluate your child and his/her needs "**in all suspected areas of disability**" to see if your child:

- 1) qualifies as a child with a disability (under IDEA and/or 504)
- 2) **ALSO** needs special education and/or related services.

### **AFTER THE ASSESSMENT, THEN WHAT?**

If a child qualifies under IDEA education law, an IEP team meets to decide the specialized instruction and services needed and they are written into in a legally-binding contract, known as an **Individualized Education Program (IEP)**.

As discussed above, a child with diabetes may also qualify for services and supports under Section 504 (U.S. Department of Education Office for Civil Rights has regularly determined that students with diabetes qualify under Section 504, as discussed in the CDE Legal Advisory). A sample "504 Plan" related to a child with diabetes developed by the American Diabetes Association and DREDF is available for review at:

<http://diabetes.org/uedocuments/ad-504-adanasndredf-2007.pdf>

## TIPS FOR WRITING YOUR "REQUEST FOR ASSESSMENT" LETTER

### 1) THE LETTER MUST BE IN WRITING

Do not use email. Mail the request letter or fax the letter.  
Follow up to be sure the person who needs to receive it, did.

2) ADDRESS your letter to your child's school principal AND Special Education Director, and 504 Coordinator (if your district has one). District websites have contact information available, or call the district for accurate contact information.

### 3) DATE THE LETTER

Important! The date your letter is received triggers strict timelines under IDEA. The school district has 15 days to respond to your request, and they must respond in writing. Save the transmission report if you send a fax. Or mail the letter, return receipt requested.

### 4) ATTACH:

- a) Your child's physician's health treatment plan for school and school-sponsored activities;
- b) The document, "California Department of Education (CDE) Legal Advisory on Rights of Students with Diabetes in California's K-12 Public Schools."

Including this helps to make sure that the school district understands their obligations and your child's rights.

5) Request that the school district assess "in all suspected areas of disability" for eligibility for:

- special education instruction and services under IDEA, and/or
- specialized services and accommodations under Section 504 of the Rehabilitation Act.

6) If you are requesting an eligibility evaluation under IDEA, let the school district know that you look forward to receiving a written Assessment Plan within 15 days from the district's receipt of your letter. Tell them that you expect that all assessments will be completed, and the eligibility IEP held, within 60 days of your consent to the district's Assessment Plan. Let them know how best to reach you.

Following are sample letters.

**Sample Letter for a Child with Diabetes:  
Request for Assessment under IDEA and Section 504**

Parent/Guardian/Education Surrogate Name  
Address  
City, State, Zip Code  
Telephone Number(s)/ email (best way to reach you)

Date

Attn: Mr. Gary Green  
Director of Special Education  
Local Unified School District  
Address  
City, State, Zip Code

Dear Mr. Green:

I am the parent of [Child Name], who is currently enrolled at the [home school] in the [X] grade. My child has a diagnosis of Diabetes and requires health care services and supports at school in order to benefit from the educational program and fully participate in school and school-related activities.

Diabetes is a chronic condition which requires health care management and services, which may include special education instruction and services, throughout my child's school day. I believe my child falls under the definition of Other Health Impairment (OHI) as a qualifying category of disability under the Individuals with Disabilities Act (IDEA), and also as a person with a disability which substantially limits one or more major life activities, under Section 504 of the Rehabilitation Act of 1973 and the American's with Disabilities Act (ADA.)

Please see the attached California Department of Education (CDE) "Legal Advisory on Rights of Students with Diabetes in California's K-12 Public Schools" issued August 8, 2007, to understand the legal obligations of the district to address the specialized needs of a child with the disability of diabetes at school.

Under the "child find" obligations of the state and the Local Educational Agency (school district) I am writing to make a Referral for Assessment for Special Education services under the IDEA, as required by 5 C.C.R. Sec. 3021(a), in all suspected areas of disability. I am requesting that my child be given a comprehensive assessment by a qualified school district team for needs related to her disability and the barriers her disability poses in learning, in the ability to monitor eating and nutrition, in the ability to participate in physical education and activities, and in carrying out and monitoring the physician's health care directives in order to stay safe at school.

Because my child's ability to safely attend school depends on making appropriate plans right now for services and supports, I request a Section 504 plan meeting to be held within one week. I also request that the school district's Section 504 Coordinator be present at the initial eligibility IEP meeting to discuss the results and recommendations of the assessments.

I look forward to receiving an IDEA Assessment Plan within 15 days for our review and consent. If you have any questions, please feel free to contact me. My child's doctor has written a comprehensive diabetes management plan to address my child's health care needs at school, which is enclosed. I look forward to sharing this directive with the school district assessment team.

We expect that all IDEA assessments will be completed and the initial eligibility IEP team meeting be held within 60 days of this request, as required. We request that the district please provide all assessment notes and reports to us at least one week prior to this eligibility IEP meeting. We look forward to meeting with school health staff and other required members of the IEP and 504 team.

Finally, I request a copy of all district and school policies and procedures relating to Section 504, IDEA, and provision of diabetes care services, including medication administration.

Please contact me to schedule a Section 504 plan meeting without delay.

Thank you for your cooperation and assistance.

Sincerely,

Parent Name

**Sample Letter for a Child with Diabetes:  
Request for Assessment and Section 504 plan meeting only**

Parent/Guardian/Education Surrogate Name  
Address  
City, State, Zip Code  
Telephone Number(s)/ email (best way to reach you)

Date

Attn: Mr. Gary Green  
Director of Special Education  
Local Unified School District  
Address  
City, State, Zip Code

Dear Mr. Green:

I am the parent of [Child Name], who is currently enrolled at the [home school] in the [X] grade. My child has a diagnosis of Diabetes and requires health care services and supports at school in order to benefit from the educational program and fully participate in school and school-related activities.

Diabetes is a chronic condition which requires health care management and services, which may include special education instruction and services, throughout my child's school day. I believe my child is a person with a disability which substantially limits one or more major life activities, under Section 504 of the Rehabilitation Act of 1973 and the American's with Disabilities Act (ADA) and is entitled to a Section 504 plan.

Please see the attached California Department of Education (CDE) "Legal Advisory on Rights of Students with Diabetes in California's K-12 Public Schools" issued August 8, 2007, to understand the legal obligations of the district to address the specialized needs of a child with the disability of diabetes at school.

Under the "child find" obligations of the state and the Local Educational Agency (school district) I am writing to make a Referral for Assessment under Section 504. Because my child's ability to safely attend school depends on making appropriate plans right now for services and supports, I request a Section 504 plan meeting to be held within one week.

If you have any questions, please feel free to contact me. My child's doctor has written a comprehensive diabetes management plan to address my child's health care needs at school, which is enclosed.

We look forward to meeting with school health staff and other required members of the Section 504 team. Please contact me to schedule a Section 504 plan meeting without delay.

Finally, I request a copy of all district and school policies and procedures relating to Section 504 and provision of diabetes care services, including medication administration.

Thank you for your cooperation and assistance.

Sincerely,

Parent Name