

Americans with Disabilities Act (ADA) - A Powerful Tool for Justice

Issue

Children with medical conditions are barred from programs including schools, camps, day care, after-care.

Failure to incorporate children with disabilities into routine childhood activities impacts basic childhood development, child mental health, and family health and well being.

Federal Law

Americans with Disabilities Act

ADA Title II - Federal, State, Local Government

No qualified individual shall, on the basis of disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any public entity.

ADA Title III - Private Sector

No individual shall be discriminated against on the basis of disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages or accommodation of any place of public accommodation by any private entity.

Charlotte

School was over and Charlotte was excited to go back to summer camp.

It had been a difficult year. In addition to Down Syndrome, Charlotte was diagnosed with diabetes.

Charlotte and her parents were devastated when the summer camp she attended refused to take her back.

Identify Access Issues and Provide Resolution

Pediatric Patient Denied Access to Program

When a pediatric patient is denied access to a program based on disability, refusal to accept the child has far-reaching negative impact:

- Affects child's self esteem
- Separates child from siblings and classmates
- Impacts household economic security (loss of child care)

Steps to Legal Resolution

- Medical provider trained on ADA requirements
- Medical provider identifies issue and alerts MLPP
- MLPP files Complaint with Department of Justice (DOJ)
- DOJ conducts investigation
- School or camp changes practices and policies
- Child accepted into program

Collaboration = Action

Systemic Violations Raised with Department of Justice - DOJ Convenes Connecticut Educational Civil Rights Working Group

Ongoing and persistent violations identified and brought to attention of Justice Department by MLPP. DOJ convenes Connecticut Educational Civil Rights Working Group. Partners include:

- Center for Children's Advocacy Medical-Legal Partnership Project
- State Commission on Human Rights and Opportunities
- State Office of Protection and Advocacy
- Federal Department of Health and Human Services
- State Department of Education
- Private Sector Partners

It is a violation of the ADA to refuse a child due to a medical condition. Diabetes is no exception.

Lawyers from the Center for Children's Advocacy MLPP contacted the Justice Department when the camp refused to admit Charlotte.

The camp reversed their decision and trained their staff. The best news came from Charlotte's mom. "She had tons of fun! Thank you for your help."

Result

Ongoing Identification and Resolution of ADA Violations

- Avenue for clients to obtain relief
- Vehicle for medical providers to report issues
- Statewide forums for medical providers and social services agencies
- Discrete training for medical partners and patients
- Development of written educational materials
- Training for private sector programs (camps, day care centers, etc) on ADA compliance
- ADA PSA created by high school students
- Point presentation at national conference

Conclusion

ADA: Effective tool to address discriminatory practices.

Collaboration: Effective tool to identify issues and address violations of federal law.



Center for Children's Advocacy
Medical-Legal Partnership Project

kidscounsel.org/mlpp

