

Protecting Children with Diabetes

A Child Care Provider's Guide to Compliance with Federal Laws

The Americans with Disabilities Act (ADA)

Under the ADA, no child with a diagnosis of diabetes may be excluded from a child care, camp, or after care program because of diabetes.

What types of programs (camps, day care and after care programs) must comply with the ADA?

Most programs must comply with the ADA regardless of whether they are run by a public or private organization.

- **Programs of State and Local Governments:** Title II of the ADA requires that state and local governments provide persons with disabilities equal opportunity to participate in their programs. Therefore, any camp, child care, or after care program run by a city or town must allow children with diabetes to attend the program.
- **Privately-Run Programs:** Title III of the ADA prohibits discrimination against any citizen who wishes to participate in any program. Therefore, privately-run camps, child care centers, and after care programs may not refuse participation in any of their programs because a child is diabetic.

What types of accommodations are appropriate for children with diabetes, under the ADA?

Programs are required to evaluate each child individually and make reasonable accommodations for that child. Reasonable accommodations include:

- Modifications for children with diabetes, including those who need insulin; and
- Training staff to administer daily medicine, including insulin (via pump or injection) and emergency medications.

Can programs require parents to come to the facility to test a child or administer medication?

Parents should not be responsible for overseeing a child's medical treatment while the child is attending the program.

Section 504 - Rehabilitation Act of 1973

Children with diabetes have the right to be educated regardless of disability. No child with a disability may be excluded from participation in a school setting simply because of that disability.

Which children are protected by Section 504?

Section 504 applies to children who:

- Have a physical or mental impairment (walking, seeing, hearing, breathing, etc.)
- Have a record of the medical condition

School districts are required to identify children with disabilities and are required to notify parents and children of their rights.

How does a child with diabetes become eligible to receive services under Section 504?

The school system convenes a "504 Team" meeting to discuss the child's needs. The team consists of people who know the child (parents, teachers, social workers, medical professionals.) The team reviews documentation of medical condition and develops an accommodations plan.

What services are schools required to provide for children with diabetes?

School systems must develop an individualized plan that provides an accommodation to the child's disability. School systems are required to accommodate disabled students so they receive the same educational opportunities and experiences as students without disabilities. Children with diabetes may not be excluded from school activities and trips. If a child's 504 plan requires accommodations, those accommodations must be provided for every trip and activity.



The Financial Cost of Violating the Law

Schools, preschools, camps, child care facilities, and recreational programs must comply with the ADA.

Failure to comply with policies, procedures, and practices of the ADA can lead to:

- Financial penalties
- Attorney fees
- Compensatory damages (payments to claimants)
- Required changes to policies and practices



Case Examples

Violation (Title III)

A network of private preschools, elementary and middle schools engaged in a pattern of excluding and disenrolling children with disabilities including Down Syndrome and autism.

Results

- \$250,000 awarded to families of affected children
- Development and implementation of non-discrimination policy
- Mandatory training of staff

Violation (Title III)

A youth baseball organization refused to provide accommodations to a deaf child.

Results

- \$30,000 awarded to the child's family
- Attorney fees
- Changes in policies and practices of organization

Violation (Title III)

A Connecticut child care center excluded an autistic child from a preschool program.

Results

- \$7,341 in damages awarded to the child's family
- Adoption and enforcement of non-discrimination policy based on disability

Violation (Title III)

A summer camp refused to admit children with diabetes.

Results

- Children to be provided an opportunity to attend
- Integration of diabetes care into daily routine
- Diabetes training for staff.

For additional technical assistance and guidance, visit www.ada.gov.