

Large Child Care Company Settles With U.S. Over Policy Of Excluding Kids With Diabetes

March 29, 2018

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The Learning Care Group, which runs 900 child care centers nationally, including four in Connecticut, has agreed to stop refusing to help diabetic kids take their insulin, a policy that federal prosecutors said improperly barred children who could otherwise fully participate in the programs.

The U.S. Department of Justice began investigating the Michigan-based company after eight families outside Connecticut complained that child care centers under the LCG umbrella had dismissed their requests to help administer insulin — considered a reasonable accommodation under the Americans With Disabilities Act. In a settlement reached March 20, the company agreed to pay the eight families \$10,000 each, lift its company-wide, blanket refusal policy, consider every child's application on an individual basis, train executives in federal ADA law, and train center staff members to administer insulin through an insulin pen, syringe, or pump.



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In Connecticut, the training by a registered nurse takes 90 minutes and costs \$150. Once they are familiar with the process, staff members at schools, child care centers and summer camps can easily administer insulin, said Bonnie Roswig, a lawyer with the Hartford-based Center for Children's Advocacy.

The insulin dose is delivered with a jab into the skin, not a vein.

Roswig in 2016 exposed practices at some Connecticut summer camps that either excluded children with diabetes, or required that parents come each day to give their children insulin — also an apparent ADA violation. One common refrain from the camps was that they did not have a nurse on staff.

The Office of Early Childhood, which licenses child care centers and camps, does not require camps with less than 250 children to have a nurse on site, and permits trained camp counselors or other staff members to administer insulin, agency officials said.

It's critical that the licensed programs "comply with all federal and state laws protecting the fundamental rights of individuals," said David Wilkinson, commissioner of the early-childhood agency. "In the case of a diabetic child, our licensing division will immediately investigate any complaint filed against a licensed center that has refused to enroll a child based on that medical condition."

Agency spokeswoman Maggie Adair said Thursday afternoon that the licensing staff could not immediately determine whether a diabetes-related complaint had been received from any of the Learning Care Group's four Connecticut outlets — Tutor Time programs in West Haven, Milford, Shelton, and Norwalk. Complaints are filed under the date received and the program's name, not by the nature of the complaint. All four programs' files would have to be searched, which would take some time, Adair said.

Update: On Tuesday, Adair said a search going back several years turned up no diabetes-related complaints at any of the four Tutor Time outlets.

Over the past two years, Roswig has worked with state inspectors and the Connecticut After-School Network, which rep-

resents both municipal and private programs, to boost training and raise awareness among families, camps and child care centers.

Unless a program can prove that admitting a child with a disability would cause an undue burden or require a fundamental alteration, the school, camp, or child care center must make reasonable accommodations. Roswig said the Department of Justice has long considered administering insulin to diabetic children to be a reasonable adjustment — one that opens the door to thousands of children nationally.

The Learning Care Group is the second largest for-profit child care company in North America, the Department of Justice said.

In the settlement, federal prosecutors in the civil division of Michigan's eastern district said the LCG "refused to provide assistance with insulin administration (by pen or syringe) to children with Type I diabetes based on a corporate-wide policy requiring such refusal."

The agreement also said that the company at some point had "discontinued its prior assistance with insulin administration."

In a statement Thursday, LCG said it was "committed to acting in compliance with the Americans with Disabilities Act and other laws related to providing services to children with disabilities and special needs. We make individual assessments to determine if we can meet each child's needs in our group care setting."