



CCA Prevails for School Children with Diabetes

Settlement Agreements: US Dept of Justice Directs ADA Compliance for Districts of Glastonbury, East Lyme, Wethersfield, and Stamford

June 30, 2020

U.S. Attorney John Durham and Assistant U.S. Attorney Jessica Soufer entered into agreements with Wethersfield, Glastonbury, East Lyme and Stamford school districts to require compliance with the Americans with Disabilities Act on behalf of school children with diabetes. The Glastonbury and East Lyme settlement agreements were finalized on June 5, 2020; Wethersfield on June 12, 2020; and Stamford on June 18, 2020.

These districts specifically had refused to provide oversight for students with a Continuous Glucose Monitor (CGM), a device that continuously monitors a child's glucose level and sounds a warning alarm if the child's glucose level is dangerously low or high, allowing immediate treatment. The CGM eliminates the need for a child with diabetes to leave class multiple times per day to be tested by school nursing staff.

Excuses given for schools' refusals were indefensible. Children were put at grave risk when parents, who were not on school grounds during the school day, noted blood sugar levels that were dangerously high or dangerously low. The schools were unaware when a child was approaching a crisis situation.

The Americans with Disabilities Act (ADA) requires reasonable modification of policies and procedures so a child with a disability can fully participate in all public and private activities.

Attorney Bonnie Roswig of the Center for Children's Advocacy, and Attorney Jonathan R. Chappell of Feldman, Perlstein and Green, filed a Complaint against the named districts for their failure to comply with the ADA.

U.S. Attorney John Durham and Assistant U.S. Attorney Jessica Soufer entered into agreements with the districts that requires districts to:

- ensure that individuals with disabilities are not excluded from participation in or denied the benefits of district services, programs and activities
- make reasonable modifications to policies, practices and procedures to avoid discrimination
- ensure monitoring of CGM by a trained school nurse and other trained staff
- install necessary equipment to monitor CGM alerts
- train nursing staff and other appropriate personnel on use of CGM monitoring
- provide a detailed description of compliance

It is essential that school medical staff make decisions and provide oversight consistent with medical standards.

"These four districts are a tiny percentage of the statewide problem," said Attorney Roswig. "The State Department of Education must communicate appropriate protocols to all Districts and ensure compliance. Our schools should not be jeopardizing children's health and cannot violate the Americans with Disabilities Act."

"It is unfortunate that families of students with disabilities, including those with diabetes, have been forced to fight for simple accommodations" said Attorney Chappell, himself a Type 1 diabetic and past president of the local Juvenile Diabetes Research Association.

For more information, please email Bonnie Roswig, Director, Disability Rights Project, CCA Medical-Legal Partnership: broswig@cca-ct.org