



Department of Justice

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Justice Department Reaches ADA Settlement with Fort Wayne, Indiana, Day Care Center Regarding Children with Diabetes

WASHINGTON – Pine Hills Kiddie Garden of Fort Wayne, Ind., will take necessary steps to ensure that a child's diabetes care is integrated into the usual routine of its day care center and programs as part of a settlement to resolve allegations that it discriminated on the basis of disability, the Justice Department announced today.

The settlement resolves a complaint filed by a parent of a six-year-old girl with Type I diabetes, alleging that Pine Hills refused in 2007 to permit the girl to participate in field trips as part of the summer program unless she was accompanied by a parent or a medically trained person hired by the parent. The complaint was filed under title III of the Americans with Disabilities Act (ADA).

"Parents of children with Type I diabetes deserve the comfort of knowing that their children will not be subjected to discrimination because of their illness. A day care center is required to evaluate and make reasonable modifications for children with diabetes," said Thomas E. Perez, Assistant Attorney General for the Civil Rights Division. "We commend Pine Hills Kiddie Garden for working cooperatively with the Department on today's settlement, which will ensure equal opportunity for children with diabetes in the day care center."

Under the settlement, Pine Hills agrees to provide all children with diabetes with an equal opportunity to attend the center and to participate in all programs, services or activities. It will evaluate the application of each child with diabetes applying to attend the center, on a case by case basis, and will make reasonable modifications to permit children with diabetes to attend the center. Modifications include, but are not limited to, supervising and monitoring of children with diabetes while using blood tests, insulin pumps, syringes or other diabetes related equipment or while consuming of food while participating in a program. Pine Hills also agrees to pay \$10,000 in compensatory damages and \$10,000 in civil penalties.

Under the settlement, Pine Hills submits that it has made and continues to make a practice of many of the policies outlined in the agreement and that it incorporates additional policies suggested by the Justice Department.

People interested in finding out more about the ADA or the agreement can call the Justice Department's toll-free ADA Information Line at (800) 514-0301 or (800) 514-0383 (TTY) or access its ADA Web site at www.ada.gov.