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Justice Department Agreement ensures access to daycare for more than 100,000 children with diabetes

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WASHINGTON, D.C. -- The nation's largest corporate owned child care chain will establish a model policy to help ensure that children with diabetes have equal access to daycare, under an agreement reached today with the Department of Justice.

KinderCare, a daycare chain with more than 1100 facilities around the country, will establish a new national policy to comply with the Americans with Disabilities Act (ADA). Under today's agreement, staff will monitor the blood sugar levels of children with diabetes, by administering simple *"finger prick tests."*

"Children with diabetes shouldn't be left on the sidelines," said Attorney General Janet Reno. *"Now we hope that other child care facilities will do the right thing and follow KinderCare's lead."*

Earlier this year the Disability Rights and Education Defense Fund (DREDF) informed the Justice Department of a case brought by the American Diabetes Association, its Ohio affiliate, and the grandmother of Jesi Stuthard, a three-year-old boy with diabetes, who sued KinderCare for violating the ADA. The suit, filed in Columbus, Ohio, alleged that the boy was unable to enroll at a KinderCare facility in Columbus due to the company's policy of refusing to administer finger-prick tests. The child needed the tests at least once a day to make sure his blood sugar was at a safe and healthy level.

The Justice Department brought DREDF, who represented the three plaintiffs, and the company together to help negotiate an agreement that would affect all KinderCare facilities nationwide.

For children with diabetes, the finger-prick test is an essential part of a daily routine for health. The simple test requires pricking a finger to obtain a blood sample, placing that sample on a test strip, feeding the test strip into a monitor, and reading the level. If the blood sugar level is too low, the child can drink apple juice to elevate the level into the normal range. The test takes less than a minute and poses no health risk to other children or caregivers.

Before today's agreement, many parents of children with diabetes would have to leave their work during the day and go to a center to conduct the tests.

"Today's suit not only helps children, but working families as well," said Deval L. Patrick, Assistant Attorney General for Civil Rights. *"Parents can have full productive workdays knowing that their children are healthy and safe."*

Under the agreement KinderCare will:

- admit Jesi Stuthard to its daycare program;
- conduct finger-prick tests for children with diabetes daily and when they exhibit signs of low blood sugar;
- no longer ask if a child has diabetes before that child is enrolled at a facility;
- provide training to staff about the ADA and its requirements;
- hire a Disability Services Coordinator (DSC) to answer questions and help resolve disability related issues for parents and staff; and,
- post a toll free number where the DSC can be reached.

"This agreement serves the best interests of children, their families, and those who are committed to providing for a child's care and growth," said Edmund A. Sargus, Jr., U.S. Attorney in Columbus. *"The agreement grew from one family's determination to make sure their child would have access to quality care, and is a model for the entire country."*

Nationally, it is estimated that more than 100,000 children under the age of 18 have diabetes. Diabetes is a non-contagious disease in which the body does not produce or properly use insulin, a hormone needed to convert sugar, starches and other foods needed for daily life.

Children receive their daily insulin shots at home usually before breakfast and dinner. Under the agreement, KinderCare is not obligated to administer insulin shots and will not be liable for diabetes care as long as they take reasonable care when following written orders from a child's physician and parents.

Parents will be required to provide any special food items or equipment and to sign an authorization form every six months informing the center of the child's changing needs.

Title III of the ADA prohibits discrimination on the basis of disability by private businesses, including daycare facilities.

People who would like to find out more about the ADA or would like to obtain copies of today's agreement can call the Justice Department's toll-free ADA Information Line at (800) 514-0301 or (800) 514-0383 TDD or access the ADA home page at <http://www.usdoj.gov/crt/ada/adahom1.htm>.