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**JUSTICE DEPARTMENT REACHES AGREEMENT WITH
LOUISIANA PRIVATE SCHOOL TO ENSURE
EFFECTIVE DIABETES CARE FOR STUDENTS**

WASHINGTON-- The Justice Department today announced a settlement agreement with the Alexandria Country Day School in Alexandria, La., to resolve allegations that the school denied a six-year-old girl with Type I diabetes admission to the school after her parents requested that the school supervise her in daily diabetes care practices. The parents said they had asked the school to supervise their daughter in her testing her blood glucose level and administering insulin using her insulin pump, in addition to other daily diabetes care practices. Title III of the Americans with Disabilities Act (ADA) prohibits discrimination on the basis of disability, including diabetes, in private schools.

According to the agreement, the school will not discriminate against individuals with, and will ensure that reasonable modifications to the policies and procedures will be made where necessary to ensure students with diabetes are provided an equal opportunity to attend and to participate in all programs, services or activities. The school will evaluate the application of each child with diabetes applying to attend the school on a case by case basis, and will make reasonable modifications to permit children with diabetes to participate in the programs.

"Schools have a responsibility to make reasonable modifications to policies so that all students with disabilities can enjoy their programs and activities, unless doing so would result in a fundamental alteration in the program," said Thomas E. Perez, Assistant Attorney General for the Civil Rights Division. "I applaud the school for working with us to address this matter, and we hope this agreement serves as a reminder for other private schools about the requirements of the ADA."

“I congratulate the school administration for dealing with this serious issue which affects so many members of our community,” said Stephanie A. Finley, U.S. Attorney for the Western District of Louisiana. “The U.S. Attorney’s Office, the Department and the Obama Administration are committed to ensuring that all individuals in this country can go to schools, public and private, and participate in all of the programs that are available.”

Today’s settlement follows an *amicus curiae* brief filed by the department on May 13, 2011, in a case before the California State Supreme Court that challenges a federal court settlement agreement between the American Diabetes Association and the State Superintendent of Education.

That agreement allowed professional school employees to be trained and then to monitor administration of insulin for students with diabetes in certain situations when a school nurse is not available. Many California schools have no nurses due to budget constraints, and without this agreement some students likely would not receive insulin doses that are both medically necessary and required by federal laws protecting students with disabilities. The American Nurses Association filed the case challenging the agreement, arguing that a nurse must be present in all situations to monitor insulin administration. The department’s brief addresses the question of whether California’s Nursing Practice Act, as interpreted by the California Court of Appeals and applied to this case, is preempted by Section 504 of the Rehabilitation Act, Title II of the ADA, or the Individuals with Disabilities Education Act.

The department’s brief argued that under the conditions described in the settlement, federal law requires that a trained school professional be permitted to administer insulin. Interpretation of state nurse practitioner acts may also affect people with disabilities who need basic assistance with health or physical conditions to live independently, where basic assistance can be provided by trained, non-medical personnel.

The enforcement of the ADA is a top priority of the Justice Department’s Civil Rights Division. Additional information about the Civil Rights Division of the Justice Department is available on its website at www.justice.gov/crt.

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