



**U. S. Department of Justice**

United States Attorney  
Western District of Washington

Please reply to:  
Kayla Stahman  
Assistant United States Attorney  
[Kayla.Stahman@usdoj.gov](mailto:Kayla.Stahman@usdoj.gov)

700 Stewart Street, Suite 5220      Tel: (206) 553-4063  
Seattle, WA 98101-1271      Fax: (206) 553-4073  
[www.usdoj.gov/usao/waw](http://www.usdoj.gov/usao/waw)

August 11, 2023

**VIA FIRST CLASS MAIL**



Re: Information Regarding ADA Obligations to Children with Diabetes by Independent Schools

Dear [REDACTED]:

The Department of Justice (“DOJ”), through the United States Attorney’s Office for the Western District of Washington (“USAO”), enforces federal civil rights statutes in this District, including the Americans with Disabilities Act (“ADA”). In this letter, our office would like to provide some reminders and resources about independent schools’ obligations under the ADA to children with type 1 diabetes.<sup>1</sup>

Title III of the ADA prohibits places of public accommodations, including independent schools, from discriminating against qualified individuals with disabilities in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of any place of public accommodation. *See* 42 U.S.C. §§ 12181-12189, and its implementing regulation, 28 C.F.R. Part 36. Diabetes affects approximately 215,000 Americans who are 20 years or younger. It is a physical impairment that substantially limits one or more major life activities including, but not limited to, the operation of the endocrine and digestive systems. Diabetes in particular is a *per se* disability under the ADA and children with diabetes are entitled to the protections of the ADA. 42 U.S.C. § 12102; *see also* 28 C.F.R. § 36.105(d)(2)(iii). Ensuring that independent schools do not discriminate against persons with diabetes is an issue of general public importance, particularly given the prevalence of school-aged children with diabetes.

Over the past several years, our office has received several complaints from parents of

---

<sup>1</sup> While Title III refers to “private” schools, 42 U.S.C. §§ 12181(7)(j), such private schools in Seattle are typically referred to as independent schools.

August 11, 2023

Page 2 of 4

school-aged children with type 1 diabetes about independent schools denying full and equal enjoyment of their services. Public accommodations, including private schools, must provide reasonable modifications in policies, practices or procedures, in order to provide children with disabilities, including type 1 diabetes, an equal opportunity to attend and participate in their programs. The Department has entered into a number of resolutions with a range of private entities serving youth with disabilities, including childcare centers, summer camps, and private/independent schools on this important issue. For example, several years ago, DOJ investigated and reached a settlement to address an independent school's refusal to enroll a child with type 1 diabetes after her parents requested that the school provide supervision of the child's blood glucose level testing and insulin administration, in addition to other daily diabetes care practices. The Agreement required that the school make changes to its policies and procedures to stop excluding children with diabetes from its program. *See Settlement Agreement Between the United States of America and Alexandria Country Day School*, enclosed and available online at [https://archive.ada.gov/alexandria\\_settle.htm](https://archive.ada.gov/alexandria_settle.htm). For more examples, please see [www.ada.gov](http://www.ada.gov).

Our office, however, continues to receive complaints that independent schools in our District are engaging in similar discriminatory conduct. DOJ is authorized to investigate alleged violations of Title III, and may engage in enforcement actions, including seeking court-ordered compliance, civil penalties, and monetary damages to aggrieved individuals. 42 U.S.C. § 12188(b).

That said, it is our hope that independent schools in our District are voluntarily taking steps to comply with the ADA's obligations, without the involvement of our office. To assist you in doing so, we offer the following reminders and resources for independent schools to review and utilize:

- Independent schools in Washington may not discriminate against any child on the basis of disability, including diabetes; that is, they are required to provide all such children with a full and equal opportunity to attend school and to participate in the goods, services, facilities, privileges, advantages, and accommodations provided by the school. Independent schools cannot refuse to admit any child with a disability, including children with diabetes, to any of their sessions or programs on that basis, unless they can establish a legitimate safety requirement for safe operation. Similarly, they may not exclude children with disabilities on the basis of reasonable modifications with respect to diabetes care, unless the school can demonstrate that making such modifications would result in a "fundamental alteration" to the nature of the school's goods, services, facilities, privileges, and the like as set forth in the relevant Title III regulations. 28 C.F.R. §§ 36.301; 36.302.
- Independent schools must consider reasonable modification requests, on a case-by-case basis, and make those reasonable modifications for children with diabetes as required by the ADA.
- Where a parent or guardian and a child's physician or other qualified health care professional deem it appropriate (based on the child's current health status) for a child to

August 11, 2023

Page 3 of 4

be assisted in diabetes care by a layperson, training child care staff members to assist with routine diabetes care tasks, including the administration of insulin by pen, syringe, or pump, is generally a reasonable modification under the ADA unless an independent school can demonstrate that the individual circumstances cause a fundamental alteration to its goods, services, facilities, privileges, advantages, or accommodations.

- Independent schools must take necessary steps to ensure that a child's diabetes care is integrated into the usual daily routine and program at the school.

Here are some additional best practices to consider:

- Independent schools should consider adopting a diabetes management policy consistent with the guidelines discussed above and should provide training to their staff regarding the terms and conditions of the policy to facilitate the implementation of the policy.
- If an independent school is informed that a child with diabetes has applied to the school, or has otherwise requested enrollment, the school should consider ways it can clearly communicate with the child's parents about the school's legal obligations and promptly discuss how the school can most effectively assist that particular child in managing his or her diabetes should he or she enroll at the school.

In addition to the enclosed Settlement Agreement referenced above, which includes a model policy attached as Appendix A, here are some additional tools and guidelines for supporting children with diabetes in schools:

- Washington Superintendent of Public Instruction and Department of Health, "Guidelines for Care of Students with Disabilities," available online at <https://www.k12.wa.us/sites/default/files/public/healthservices/pubdocs/diabetes/diabetesmanual-ada.pdf>;
- National Diabetes Education Program, "Helping the Student with Diabetes Succeed: A Guide for School Personnel," available online at <https://diabetes.org/sites/default/files/2020-02/NDEP-School-Guide-Full-508.pdf>;
- American Diabetes Association, "Sample Diabetes Management Plan," available online at <https://diabetes.org/sites/default/files/2022-11/DMMP-updated-11-11-22.pdf>.

Additional information about the ADA is available at [www.ada.gov](http://www.ada.gov), including the ADA statute and regulations, additional technical assistance, and enforcement information. We hope that this information will be useful to you and will help us work together to ensure that children with diabetes are afforded equal education opportunities to learn and develop in your programs.

  
August 11, 2023

Page 4 of 4

Sincerely,

TESSA GORMAN  
Acting United States Attorney

*s/ Kayla Stahman*

KAYLA C. STAHMAN  
SUSAN KAS  
Assistant United States Attorneys

Enclosure