UNFAIR TREATMENT BY CHILD CARE PROGRAMS

Has your child had any of the following experiences in the child care setting?

☐ Your daughter’s child care program refuses to allow her to return after her diagnosis—even though she’s already been enrolled for a year.

☐ Your son is routinely not allowed to eat a snack with the other children because there is no one to give him his insulin.

☐ You have to leave work to provide care to your child at the child care program.

If your child has experienced any of these or other problems, he or she may be experiencing discrimination. Children with diabetes need child care like any other child. Unfortunately, child care program staff sometimes think:

• they don’t need to accept children with diabetes;
• they are not required to provide diabetes care; or
• they can refuse to allow a child to return to the program after diagnosis.

Under federal law, these actions may be illegal.

WE CAN HELP

FOR HELP:
Call 1-800-DIABETES (800-342-2383) or email AskAda@diabetes.org.

Need help with a discrimination issue? Have questions about your legal rights? The ADA can help. If your issue is within our areas of service, you will receive tailored legal information and guidance from our attorneys. Although our attorneys cannot represent you, they can help you understand your rights and give you practical tools to solve your problem. If needed, they may be able to help you find a local attorney.

WHAT YOU CAN DO

• Work with your child’s health care program to prepare a written care plan or DMMP.
• Review the care plan with the child care program staff to determine how your child’s diabetes needs will be met while he or she attends the program.
• Make sure to provide all diabetes supplies, equipment, snacks, and insulin, or other diabetes medication to the child care program.
• Be a resource for the child care program by recruiting a diabetes trainer and be prepared to provide training to child care staff.
• Make sure all child care staff who interact with your child receive basic diabetes information, including training on recognition and treatment of low and high blood glucose and whom to contact for help.
• Make sure at least one staff member is trained and present to give your child insulin and glucagon, and to check blood glucose.
• Become familiar with federal and state laws that protect your child’s right to safely attend and participate in a child care program.
• Write it down. Keep all documents, including emails, letters, and notes. Keep a log of all relevant conversations with child care staff, including names and dates.
YOUR CHILD’S RIGHT TO CARE AND SERVICES

Federal and some state laws protect children with diabetes against discrimination by “places of public accommodation” such as many child care programs. Children with diabetes have the same right as any other child to attend child care programs, go to camp, and participate in community recreational activities. Every child with diabetes has specific needs that the child care program should be prepared to meet. The following are some important laws and resources, and what they mean for children with diabetes:

The Americans with Disabilities Act (ADA) prohibits child care programs, camps, and other child care centers from treating children with disabilities—including diabetes—unfairly. A disability under the ADA is a “physical or mental impairment that substantially limits one or more major life activities.” People with diabetes are considered to have a disability under ADA because their endocrine system, a major life activity, is substantially limited. This is another way of saying your child’s endocrine system does not work because it does not make and/or use insulin properly. The ADA does not apply to child care programs run by religious institutions. Some examples of child care programs required to comply with the ADA are a YMCA after-school program, a town-run summer day camp, national child care franchise chains, and a sleep-away summer camp.

Section 504 of the Rehabilitation Act of 1973 (Section 504) protects your child if the child care program receives federal funding. Section 504 protects children the same way the ADA does where it applies. Head Start is an example of a federally funded program that must comply with Section 504.

State Laws. In addition to federal laws, some states require child care programs to administer medication, such as an insulin injection, to children in their care. Many states have laws that spell out who can give insulin or glucagon in the child care setting. Contact the American Diabetes Association® at 1-800-DIABETES (800-342-2383) to learn more about the laws in your state or visit our website at diabetes.org/childcare.

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A written care plan developed by your child’s diabetes health care provider(s) describes how your child’s diabetes management needs will be met in the child care setting. This written plan, sometimes referred to as a Diabetes Medical Management Plan (DMMP), will help keep your child safe and healthy. Download a sample plan at diabetes.org/childcare or call 1-800-DIABETES (800-342-2383).