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## **New York City Public Schools Lawsuit: Questions and Answers for Parents/Guardians**

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### **What does the court's recent approval of the settlement agreement in this case mean for students with diabetes and their families?**

On April 21, 2023, the U.S. District Court for the Eastern District of New York approved a settlement agreement to resolve a lawsuit brought by the American Diabetes Association® (ADA) and three families against the City of New York, the Department of Education, the Department of Health and Mental Hygiene, and the Office of School Health. The ADA is confident the settlement will help children with diabetes get the care they need to be healthy and safe at school.

This settlement agreement is a major victory for NYC public school students with diabetes and their families and should help you feel more confident that your local public school will be able to meet your child's needs. The settlement is effective beginning in the 2023–2024 school year, but many requirements of this settlement agreement have already been implemented. However, because this settlement agreement represents years of negotiations and issues in NYC public schools, the full roll-out and implementation may take additional time.

This document tries to answer some of the questions parents may have about new requirements for your child's school.

### **What is the NYC diabetes public schools lawsuit, and why was it filed?**

Three children with diabetes, by and through their parents (the Named Plaintiffs), along with the American Diabetes Association (together, the Plaintiffs), filed a lawsuit against the New York City Department of Education seeking better care for children with diabetes in school. This **lawsuit** is called *M.F., et al. v. New York City Department of Education, et al.*, Civil No. 18-CV-6109.

The Plaintiffs alleged that New York City Department of Education schools violated federal laws protecting people with disabilities, specifically diabetes, because schools:

- Failed to schedule and hold meetings called Section 504 meetings, and draft and implement plans called Section 504 Plans, that describe the diabetes-related care and accommodations students with diabetes need to safely attend school and benefit from their education, including transportation and school-sponsored extracurricular activities
- Failed to adequately train school nurses, paraprofessionals, aides, teachers, substitutes, and other staff on diabetes care to meet the needs of students with diabetes, such as training in blood glucose (blood sugar) monitoring, glucagon administration, or school nurses on insulin administration
- Unnecessarily segregated students with diabetes by making them leave the classroom to receive routine diabetes-related care, causing them to miss valuable instruction time
- Excluded students with diabetes from school and school-related activities like field trips, school-sponsored afterschool and extracurricular activities, and school breakfast by not providing necessary diabetes-related care

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More information about the lawsuit, including the complaint, is [available here](#).

More information about diabetes care in New York City public schools is available [here](#).

**Disability Rights Advocates** represents the plaintiffs, including the ADA, and the class. **Alan L. Yatvin** of Weir Greenblatt Pierce LLP, represents the ADA.

After many years of negotiation between the parties, and notice to all affected families, the settlement agreement was approved by the court on April 21, 2023.

### **What are the details of the settlement agreement?**

Under the **settlement agreement**, NYC public schools must modify their policies, practices, and procedures related to:

- Improving planning for students with diabetes by ensuring Section 504 meetings are scheduled and held, and that Section 504 Plans are created and signed, and that Section 504 Plans include all accommodations decided by the Section 504 Team. Section 504 Plans describe the diabetes-related care and accommodations students with diabetes need to safely attend school and benefit from their education and related activities. Access the **NYCDOE Diabetes Medical Administration Form** and **NYDOE's template 504 Plan**.
- Training of school nurses, paraprofessionals, aides, teachers, substitutes, bus drivers, bus attendants, and other school staff on diabetes care to meet the needs of students with diabetes. All training materials will be updated as needed in consultation with the ADA.
- Ensuring accommodations are provided in the least restrictive environment to allow students to interact to the greatest extent possible with their peers who do not have disabilities, with the goals of limiting missed instruction time and separation from classmates.
- Ending the exclusion of students with diabetes from school and school-related activities like field trips, school-sponsored afterschool and extracurricular activities, and school breakfast by requiring necessary diabetes-related care be provided during those activities.

### **Do protections apply to field trips and school buses?**

Yes. The Court ordered that New York City must hire a sufficient number of nurses to serve as a “float pool” to ensure students with diabetes can attend all field trips with diabetes management support. Also, NYC public schools must train all bus drivers and bus attendants in the treatment of hypoglycemia (low blood glucose, also called low blood sugar), including the administration of glucagon, to ensure every bus has a trained adult capable of monitoring children with diabetes and responding to a child’s diabetes-related emergency.

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### **How will the settlement agreement be enforced?**

The settlement agreement provides for robust monitoring and reporting. The ADA will be the joint expert and Peter D. Blanck, PhD, JD, will perform the monitoring for three school years. There are enforcement mechanisms if NYC does not meet its required benchmarks through each reporting period, including the use of a corrective action plan and dispute resolution if necessary. This is all to ensure that change happens at every level.

### **Where can I learn more about my child's rights in school?**

You can learn more about your child's rights in school in [our FAQ](#).

### **What do I do if I my child still isn't getting the diabetes care they need at school?**

If you are still having a problem, raise it with your school's Section 504 Coordinator. If that is unsuccessful, contact your Borough Health Director or the citywide Section 504 Program Manager [here](#).

### **Have questions about your school's legal obligations to provide diabetes care to your child or need general information about diabetes care at school?**

The ADA's Safe at School® campaign can help. Check out our Safe at School resources at [diabetes.org/safeatschool](https://diabetes.org/safeatschool) and learn more about your legal protections at [diabetes.org/fedlaws](https://diabetes.org/fedlaws). You can also call **1-800-DIABETES (800-342-2383)** or email [AskAda@diabetes.org](mailto:AskAda@diabetes.org) for assistance.