



U.S. Department of Justice

*United States Attorney
District of Connecticut*

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June 5, 2020

Via Electronic and United States Mail

Dr. Alan Bookman
Superintendent of Schools
Glastonbury Public Schools
628 Hebron Avenue
P.O. Box 191
Glastonbury, CT 06033-2361

**Re: Closure of Investigation of Glastonbury Public Schools
DJ # 204-14-234**

Dear Superintendent Bookman:

As you know, this office recently was made aware of allegations that the Glastonbury Public Schools were not operating in compliance with Title II of the Americans with Disabilities Act of 1990 (“ADA”), 42 U.S.C. § 12131, *et seq.*, and the Department of Justice’s implementing regulation, 28 C.F.R. Part 35. Upon receipt of these allegations, this office made informal inquiries about the allegations to counsel for the Glastonbury Public Schools. Following these informal inquiries, the Glastonbury Public Schools provided all requested information to our office in an effort to resolve this matter expeditiously. This office appreciates the cooperation of the school district and its counsel in taking swift action to coordinate a voluntary resolution to this matter.

The allegations shared with this office were as follows: The complainants’ child attends the Buttonball Lane School, an elementary school of the Glastonbury Public Schools. The complainants claim that in December of 2019, the child’s blood sugar level dropped to the low 60s, approximately 60 points below an acceptable level putting her at immediate risk of severe hypoglycemia. The complainants allege that they learned of this dangerously low blood sugar level because they monitor their child’s blood sugar levels through a smartphone application that receives transmissions from their daughter’s continuous glucose monitor. The complainant mother was chaperoning the complainants’ other child on a school trip and returned to the school at the time she received the alert that their child with Type 1 was dangerously low. The

complainant reports that she was shocked to learn that no one at the school was aware that her child's health was at serious risk. In a separate incident in January of 2020, the complainants claim that they learned from their smartphone transmitter indicating an alarm that their child's blood glucose level rose first to over 200 and then to over 300, putting her at risk for hyperglycemia. They further claim that on this occasion also, no one at the school was aware that the complainants' child was in danger. The complainant father alleges that he had to call the school multiple times during his workday to make school district personnel aware that the complainants' child was medically in danger.

The complainants also allege that on multiple occasions, they have requested that the school nurse use the technology required to receive transmission of an alarm that their child's blood sugar levels are too high or too low. According to the complainants, the school has refused these requests, stating that receiving such transmissions is "too much of a liability" and stating that they did not know how to implement such a plan. The current plan, which as described above, is alleged to have failed on multiple occasions to keep the complainants' child safe, obligates the complainants' young child and her classroom teacher to respond to the alarm when the child's continuous glucose monitor sounds.

As mentioned above, all parties would like to bring this matter to a voluntary resolution. We understand that the Glastonbury Public School district has voluntarily taken steps and/or intends to take steps to resolve this matter, including the following:

1. Consistent with the requirements of the ADA, the Glastonbury Public School district will continue to ensure that no qualified individual with a disability shall, on the basis of disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of the Glastonbury Public School district, or be subjected to discrimination by the Glastonbury Public School district. 42 U.S.C. § 12132; 28 C.F.R. § 35.130(a)
2. Consistent with the requirements of the ADA, the Glastonbury Public School district shall make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless the Glastonbury Public School district can demonstrate that making the modifications would fundamentally alter the nature of the Glastonbury Public School district's services, programs, or activities. 28 C.F.R. § 35.130(b)(7)(i).
3. Consistent with the requirements of the ADA, the Glastonbury Public School district shall not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the costs of measures, such as the provision of auxiliary aids or program accessibility, that are required to provide that individual or group with the nondiscriminatory treatment required by the ADA. 28 C.F.R. § 35.130(f).

4. Consistent with the requirements of the ADA, the Glastonbury Public School district shall take the following actions within 90 days of the date of this letter:
 - a. The Glastonbury Public School district shall modify its policies, practices and/or procedures to permit the use of continuous blood glucose monitors by children diagnosed with Type 1 diabetes who are prescribed such devices by a physician or an advanced practice provider.
 - b. As long as a child with Type 1 diabetes is using a continuous glucose monitor approved by the Food and Drug Administration for use without finger stick verification, the Glastonbury Public School district shall continue to not require that a child undergo finger stick verification of blood glucose readings from a continuous glucose monitor on a routine basis. Finger stick testing of a child using a continuous glucose monitor so approved by the Food and Drug Administration shall only be conducted (1) as ordered by the child's physician or advanced practice provider, (2) if it appears that the continuous glucose monitor is malfunctioning, or (3) in an urgent medical situation.
 - c. The Glastonbury Public School district shall modify its policies, practices and/or procedures to ensure that school nurses and other appropriate trained staff members monitor blood glucose alerts transmitted by the continuous glucose monitor of a child with Type 1 diabetes to a dedicated receiver, tablet/smartphone application, or other appropriate technology during the school day and during school-sponsored activities.
 - d. The Glastonbury Public School district shall purchase or use existing equipment owned by the school district to monitor blood glucose alerts transmitted from continuous glucose monitors of children with Type 1 diabetes to dedicated receivers, smartphone/tablet applications, or other appropriate technology on such equipment. The Glastonbury Public School district shall not charge a surcharge to parents of children with Type 1 diabetes for the purchase of such equipment, nor shall the Glastonbury Public School district require parents of children with Type 1 diabetes to provide such equipment for use by school personnel.
 - e. The Glastonbury Public School district shall, using a trainer approved by the U.S. Attorney's Office for the District of Connecticut, train nurses, and other appropriate personnel as necessary (i.e. administrators, specific classroom teachers and paraeducators), regarding Type 1 diabetes, the use of continuous glucose monitors,

appropriate monitoring of information transmitted by continuous glucose monitors to a dedicated receiver, tablet/smartphone application, or other appropriate technology, and the administration of glucagon.

- f. The Glastonbury Public School district shall, using a trainer approved by the U.S. Attorney's Office for the District of Connecticut, train its school nursing staff and administrators regarding the requirements of Title II of the ADA.

Once the Glastonbury Public School district provides us with a detailed description in writing of its compliance with the above steps and a list of the dates, times, and attendees for all required trainings, we will consider this matter resolved. We will take no further action on this matter unless we become aware of new information suggesting that the Glastonbury Public School district is not complying with the terms outlined above or is otherwise not complying with its obligations under federal law.

By undertaking the steps described above, we understand that the Glastonbury Public School district does not admit to having violated the ADA, regulations promulgated thereunder, or any other law. We also understand that the Glastonbury Public School district does not admit to the accuracy or truthfulness of the allegations set forth above.

We thank you for your expeditious response to our inquiries and appreciate the cooperation of the Glastonbury Public School district in taking voluntary actions to resolve this matter.

Very truly yours,

JOHN H. DURHAM
UNITED STATES ATTORNEY



JESSICA H. SOUFER
ASSISTANT U.S. ATTORNEY

Cc: Leander Dolphin, Esq., Shipman & Goodwin LLP