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Advancing the rights of Californians with disabilities

FOR IMMEDIATE RELEASE

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April 1, 2008

PAI Sues National Day Care Center for Failure to Accommodate Student with Epilepsy

Protection and Advocacy, Inc. recently received court approval to add the Epilepsy Foundation of America as a plaintiff in a previously filed lawsuit in Federal Court against Tutor Time Child Care/Learning Centers, LLC for its discriminatory policy against a child with epilepsy. The suit, filed in the Central District Court of California, asserts that the Center in Mira Loma has violated the Americans with Disabilities Act, the Unruh Civil Rights Act, and the California Disabled Person's Act by refusing to administer first aid or medications to children who attend the Center.

Tutor Time is a nationwide chain of centers that provides after school care to children. There are approximately 125 corporate and 75 franchise Tutor Time Child Care/Learning Centers in the U.S. As a day care center, Tutor Time qualifies under the ADA as provider of public services, and therefore must make reasonable accommodations to enable children who have disabilities to access its programs.

The Epilepsy Foundation joins Cade Rager as a plaintiff in the case. Eight year old Cade has occasional grand mal seizures, which, if left unattended, can cause serious injury, brain damage, or death. However, in the event of a seizure, Cade may be administered a rectal drug that immediately aborts the attack and eliminates these risks. Cade's parents signed him up for Tutor Time, but when facility administrators learned of the boy's needs, they stated that staff would not administer this medication. Since Cade could sustain a serious brain injury or death if he does not receive the medication after 5 minutes of the onset of a seizure, Cade was unable to attend Tutor Time.

Andrew Mudryk, PAI's Director of Litigation for Southern California, is lead counsel in the case. He stated: "We are supporting the Rager family and the Epilepsy Foundation in this case because we know how important it is to reduce access barriers to children who have disabilities. For this family, life has become much more complicated because Cade may occasionally require a medication that is meant to be administered by lay people in the case of an emergency. It is unfair and illegal to deny him participation in a program like Tutor Time solely because of his disability."

The Epilepsy Foundation of America is an organization that provides education and advocacy services, estimates there are 400,000 Californians with epilepsy. Many members of the Foundation have been denied access to Tutor Time programs due to refusal to administer seizure medications.

PAI (www.pai-ca.org) is a nonprofit organization that provides free legal advocacy services to Californians with disabilities throughout the state.