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## IMMEDIATE RELEASE

October 21, 2019

### DAY CARE SUED FOR KICKING OUT CHILDREN WITH DISABILITIES

**Texas** – In two separate lawsuits filed today in federal court, multiple children with disabilities allege that Victory Kids Care in Decatur, Texas removed them from its child care program on the basis of disability in violation of federal and state law.

One lawsuit alleges that two brothers were removed from the day care provider because of their food allergies. The brothers, who are both under the age of 10, require the simple accommodation of having an adult willing and able to administer a pre-measured dose of epinephrine in the event of an allergic reaction at the program. However, the Director of Victory Kids Care explicitly told the childrens' mother that the Board of Directors had voted to remove the children because of Victory Kids Care's policy against administering medication.

A second lawsuit alleges that Victory Kids Care barred a young child with a seizure disorder on the basis of her disability. The child simply needs an adult willing and able to administer seizure medication should she experience a seizure lasting longer than five minutes. Victory Kids Care explicitly informed the parents that the child could no longer attend the program because of her disability and that the program was not willing to administer medication in the event of a seizure.

Section 504 of the Rehabilitation Act, and state law prohibit day care providers from excluding children on the basis of disability and require programs to have an adult willing and able to administer medications such as epinephrine and seizure medication as an accommodation.

The children bid teary goodbyes to their classmates and teachers after Victory Kids Care ordered their removal from the program. The mother of the two brothers with food allergies said, "Every time we drive past Victory Kids Care, my son says 'Turn there momma. I go there.'" She added, "It is heartbreaking to tell him he cannot go back to his school."

All three children are represented by Disability Rights Texas and Stein & Vargas, LLP.

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*Disability Rights Texas is the federally mandated protection and advocacy organization for people with disabilities in Texas.*

*Stein & Vargas, LLP is a civil rights firm based in Washington, D.C. and committed to the principle that all people have full and equal access to all parts of society.*

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