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IMMEDIATE RELEASE

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AFTERSCHOOL PROGRAM SUED FOR DISABILITY AND SEX DISCRIMINATION AFTER KICKING GIRL OUT WHEN SHE GOT HER PERIOD

Texas – A federal lawsuit filed this morning in Austin, Texas on behalf of an eleven year old girl, alleges that the Stepping Stone School barred the girl who has Down Syndrome from continuing in its afterschool program when she began menstruating. The suit alleges that the program’s actions violated federal disability and sex discrimination laws as well as state disability law.

C.S., the pre-teen plaintiff who is identified in the lawsuit only by her initials because of her age, had long attended the afterschool program where she adored her teachers and classmates. As the result of her disability she wears pull-ups, which she needs assistance in changing. Pursuant to the Americans with Disabilities Act, Section 504 of the Rehabilitation Act, and state law, the school program must assist C.S. as an accommodation for her disability. When C.S. began her period for the first time, none of her accommodation needs changed and her teachers continued to accommodate her without incident. However, when the school administration learned that C.S. had started her period, the school reversed course, informing her mother that she could no longer attend the program; the school refused to continue providing accommodations.

For C.S., the aftercare program was an important opportunity to socialize with peers. Her removal from the program was devastating for both C.S. and her mother who then had to try and explain to C.S. why she was no longer welcome. C.S.’s mother said, “How do you explain to your child with Down Syndrome that not only can they not return to a program they love and have attended for over a year but also the ‘why’? It was very difficult to try and find the right words to help her understand.” Spaw added, “She will still to this day say ‘There’s my daycare’ when we drive by.”

“Federal and state antidiscrimination laws are in place to make sure girls like C.S. are not discriminated against on the basis of disability or gender,” said Lia Davis, of Disability Rights Texas, one of the attorneys representing C.S. Attorneys for C.S. reached out to Stepping Stone School before filing suit and asked the program to reconsider its exclusion of C.S. The school refused.

C.S. is 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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